

DE GRUYTER
OLDENBOURG

*Jeffrey Tyssens, Niels De Nutte
and Stefan Schröder (Eds.)*

THE NON-RELIGIOUS AND THE STATE

SECULARS CRAFTING THEIR LIVES IN DIFFERENT
FRAMEWORKS FROM THE AGE OF REVOLUTION TO
THE CURRENT DAY



NEW PERSPECTIVES ON THE HISTORY
OF LIBERALISM AND FREETHOUGHT

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The Non-Religious and the State

New Perspectives on the History of Liberalism and Freethought



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Volume 3

The Non-Religious and the State



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from the Age of Revolution to the Current Day

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The conference received gracious funding from the Research Foundation – Flanders (FWO), deMens.nu, the Hooverfonds of the VUB and Humanists International. The conference also received organisational support from Liberas (Heritage Centre for the History of the Freedom Ideal), CAVA (Centre for Academic and Secular Humanist Archives) and the International Society for Historians on Atheism, Secularism and Humanism (ISHASH). The three-day conference provided an opportunity to compare different historical, geographical and political contexts, as well as various disciplinary and methodological points of view. The fact that papers were presented and simultaneously translated from English into French or vice versa provided a unique opportunity for experts of different research traditions, language groups and networks to discuss and become better acquainted with one another’s work.

This book project stresses the importance of collaboration between academic partners and heritage institutions in the burgeoning field of secular studies. The professional collection of archives of seculars and secular organisations broadly construed who played their part in the conflictual secularisation of public life in their respective countries is essential to safeguard this heritage from neglect and oblivion. This book shows how, for example, the sources produced by nineteenth-century freethought organisations in Western Europe and the digital twenty-first-century social media pages of loosely structured atheist and humanist communities in Africa and Latin America can both be seen as valuable ‘counter-archives’,

a term usually used in connection with postcolonial history but also highly relevant in the field of secular studies.

This volume appears as the third book in the series ‘New Perspectives on the History of Liberalism and Freethought’ from the publishing house DeGruyter – an open-access series devoted to the results of international scientific workshops and colloquia in which Liberas is involved as an organising partner. For the occasion, this volume in the Liberas book series has been co-funded by CAVA. The collections of both Liberas (Ghent) and CAVA (Brussels) document the historical relationship between secular groups and public authorities within the Flemish/Belgian context and researchers of both organisations are actively involved in SSAB. Both heritage organisations are funded by the Flemish government. Their analogue and born-digital collections focus on different secular groups. Liberas preserves the heritage collections of the liberal movement in Flanders/Belgium in a broad sense, covering a large spectrum of individuals and organisations who drew inspiration from a liberal freedom ideal to strive for the secularisation of public life in Flanders/Belgium from the mid-nineteenth century until today. CAVA preserves the heritage collections of the VUB and the post-war Dutch-speaking secular humanist movement in Flanders and Brussels during and after the humanist turn.

We hope all of the research cases included in this volume might not only generate a renewed interest in the interdisciplinary study of the relationship between the non-religious and the state but also stimulate the professional care of sources and heritage collections that document how seculars have shaped their lives in different regional and sociological circumstances throughout time.

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Jeffrey Tyssens, Niels De Nutte, Stefan Schröder

Introduction: Seculars Crafting their Lives in Different Frameworks from the Age of Revolution to the Present Day

How do seculars relate to forms of government? This book contains a variety of contributions on the matter, which are all the product of the conference organised in October 2022 (see ‘Acknowledgements’). Notwithstanding their different foci and approaches, all contributors share an interest in the experiences, choices and strategies of secular individuals and groups in their particular *Lebenswelten* (‘life-worlds’) with special regard to their relationship to the state.

Times and Places

When reflecting upon the particular relations between the state and religious or non-religious people, there is a good chance that for many, one of the first constellations to come to mind will be the separation regime in France. However expected this may be, it is actually not unproblematic. Indeed, the study of the relationship between the non-religious and public authority needs to go beyond clichéd visions of French *laïcité* and the 1905 law. The allegedly atheist nature of secular frameworks,¹ as created by separation policies, is quite often advanced but only rarely rooted in fact. This becomes even more evident when looking to other separation regimes or to very different ways of attributing social space to the non-religious.² Due attention to variations in time and space is thus essential.³

1 We use the concept of ‘secular framework’, as introduced by Jacques Berlinerblau, rather than the more common notion of ‘secular state’. The latter may have a tendency to conflate with the option in favor of radical separation. Abstract notions of separation hardly ever, if at all, correspond with legal realities, let alone with factual practice. The notion of ‘framework’ also seems more flexible in its application to other levels of public policy than the state in the strict sense. See Jacques Berlinerblau, *Secularism. The Basics* (London: Routledge, 2022).

2 On the need to include the indifferent, see Chris Cotter, *The Critical Study of Non-Religion. Discourse, Identification and Locality* (London: Bloomsbury, 2020).

3 The need for adequate distinctions and nuances has been called for for quite some time, notably by Jean Baubérot, but has only occasionally led to scholarly publications. A first endeavour after Baubérot’s call is to be found in the acts of a 1993 Paris conference; see Alain Dierkens (ed.), *Pluralisme religieux et laïcités dans l’union européenne* (Brussels, Editions de l’Université de Brux-

For the conference organisers, it seemed essential to take the age of revolution – more or less the 1789 to 1848 period, reflected in Eric Hobsbawm’s classic book – as a point of departure.⁴ This époque obviously saw a fundamental redefining of the relationship between the state, religion and the citizen. At the same time, it is no wonder that the American, French and other revolutions often served as the main frame of reference for early secular groups. The political and societal impact of the era of revolutions was of such a nature that whatever secular framework subsequently took form has been informed – at least to a certain extent – by that era’s legacies. Interestingly, this early epoch seems less present in secular studies nowadays, where it is instead the post-war period that globally dominates research. This is also the case for this volume.

Would this imply that the *longue durée* is not important? With two historians among the authors of this introduction, it is quite obvious that we adamantly advise against a generalised ‘presentism’ within the field and opt in favour of larger timeframes. But these need to be handled with care. The dangers of anachronism are lurking everywhere. This has for instance been observed in endeavours to ‘discover’ forms of atheism before its positive affirmation. As Anton Jansson argues in a thought-provoking review essay on the matter,⁵ it is important to be careful about when to start one’s narrative. While one should not begin too soon in (artificially) identifying forms of atheism, for example, (as in the case of the identification of anticlericalism), it is equally important not to start too late when identifying new types of relations between public authority and different *conceptions religieuses et philosophiques* (‘religious and philosophical conceptions’).⁶ The first openings of some legitimate space for the non-religious, however timid, predate the appearance of the militancy of freethought societies, for example. To be clear, the humanist turn even comes much later.

The era of revolutions and its immediate aftermath, the emergence of early liberal constitutions in continental Europe, are touched upon in this volume by Nash and Tyssens. The former evokes Thomas Paine, Carlisle and Owen, critical and suspicious as they were of state authority as an ally of regressive forces, im-

elles, 1994). A later monography with a similar aim is Jean Baubérot and Micheline Milot, *Laïcités sans frontières* (Paris: Éditions du Seuil, 2011), Kindle edition.

⁴ Eric Hobsbawm, *The Age of Revolution 1789–1848* (London: Weidenfeld & Nicholson, 1975).

⁵ Anton Jansson, “Review Essay: The History of Atheism, Secularism, and Humanism: Recent Works and Future Directions,” *History of Intellectual Culture* 2 (2023): 163–188.

⁶ We use the notion of ‘philosophical conception’ following the Belgian legislative framework. Here, organised post-war humanism is referred to as a *conception philosophique non confessionnelle*. We prefer this terminology to the potentially ahistorical and value laden options of ‘life stance’ or ‘worldview’.

posing limits upon freedom and having irrational and intangible foundations to its powers. The latter demonstrates briefly how secular lawyers in the 1860s referred to the *laïcisation* of the legal system during the French Revolution and the echoes this had in the preparatory discussions of the Belgian constitution of 1831. The contestation of persistent religious remnants in the functioning of the state (the religious oath formula in courts) shows how secularist organisations were eventually becoming the core of advocacy networks that tried to resume or extend earlier *laïcisation* efforts. As shown by Kosuch, it was equally in the second half of the nineteenth century that pressure in favour of cremation was undertaken by dedicated secularist single-issue organisations in Italy. Promoting the incineration of mortal remains and its assignment to urban authorities was one of the main ways of loosening the chains of clerical power.⁷

Fundamental as these developments surely are, historians of atheism, secularism and humanism should not limit themselves to the second half of the nineteenth century (stretching to 1914). It is obvious why this period attracts so much scrutiny. It is precisely the temporal context for formal secular organisations with a distinct visibility, which have generated proper, easily identifiable source collections. However, this institutional source production can lead to a kind of silo perspective. It tends to marginalise earlier secular practices. It further obscures personal advocacy, whether or not contemporary to the organisations themselves. Finally, it imposes a binary view of conflict and change – the secular versus the religious with no middle ground – whereas realities at the grassroots level were often much more complex and surely less clear-cut.⁸ For historians, this observation can be an incentive to develop a different approach of heuristics and methodology. Alongside a still valid organisational and ‘political history’, it is desirable to look beyond self-evident identifiers and discourses, for instance, by investigating practices and persons (preferably not the usual suspects), while mo-

⁷ This Italian example is representative of a broader tendency not to overemphasise any longer the national level and instead to pay more attention to other levels, such as the urban or otherwise local. See, for instance, Jeffrey Tyssens, “Early Secular Burials in 19th-Century Flemish Provincial Towns,” *Secular Studies* 4, no. 1 (2022): 42–70.

⁸ Christopher R. Cotter, *The Critical Study of Non-Religion: Discourse, Identification and Locality* (London: Bloomsbury, 2006), 10–12. Lois Lee has argued against these binary approaches for many years. See, e.g., Lois Lee, *Recognizing the Non-Religious. Reimagining the Secular* (Oxford: Oxford University Press, 2015), 15–16, 41–42, 159–184. She has fostered a non-binary approach again in her contribution to the recent *Régimes de croyance – Régimes de vérité* conference in Paris, November 23–24, 2023.

bilising older research strategies of a history ‘from below’, to be able to look across the habitual (macro) frameworks.⁹

No doubt, similar challenges remain at stake after the long nineteenth century, i.e. from the interwar period onwards until the humanist turn somewhere after World War Two.¹⁰ One can expect that this other, less formally organisation-focused way of coming to grips with secularism/secularity and secularisation (i.e. by taking a bottom-up perspective, using the historical microscope, rediscovering forgotten narratives, etc.), might lead to renewed attention to the interwar period. Interestingly and paradoxically, in this volume, only passing attention has been given to that particular timeframe. This has been done mainly by Neef in focusing on (proletarian) freethinkers in Germany. Could it be that, globally speaking, the interwar years have received less attention for the same reasons that have governed the dominant perspective of the nineteenth century? Indeed, the interwar period does not lack organisations or their sources, but the organisations and their discourses seem to find themselves between two stools. During World War One, *Burgfrieden*, *Union Sacrée*, *Godsvrede* (in English: ‘Sacred Union’) put the political project of the freethinker societies in dire straits. It seems that these organisations had serious difficulties in overcoming this depreciation. However, while they did not, or only belatedly grasp and connect with a number of emerging liberal causes, that does not mean that body politics, new educational projects, democratic resilience and the search for a ‘modern’ humanism were not (or not yet) at stake. Often, these new issues were carried by networks or groups that were less exclusively identified as secular(ist), even if in these contexts, secular(ist) individuals did play key roles.¹¹

As might be expected, the most frequent timeframe of the contributions to this edited volume is the second half of the twentieth century up until today. Surely this can be related to the disciplinary background of the majority of the authors. But

9 The same point is made in relation to bodies, emotions and affects in Monique Scheer, Nadia Fadil and Brigitte Schepelern Johansen, eds., *Secular Bodies, Affects and Emotions. European Configurations* (London: Bloomsbury, 2019).

10 The specific starting point differs from country to country. Chronologically: the United States of America in 1941 (American Humanist Association), the Netherlands in 1946 (the *Humanistisch Verbond*), Belgium in 1951 (also a *Humanistisch Verbond*) and Germany as late as 1993 (with the *Humanistischer Verband Deutschlands*).

11 This is clear for instance when looking at end-of-life issues in this period or at some early manifestation of a new, self-identified humanism of secularists; see Niels De Nutte, “In the Face of Death. Societal Attitudes and Popular Opinion on Medical Aid and Dying in Belgium 1936–1950,” *Secular Studies* 4, no. 1 (2022): 71–92; Jeffrey Tyssens, “Vergeten voorlopers van het vrijzinnig humanisme. Over enkele teksten van Georges Guy-Grand,” in *Redelijkheid. Lber amicorum Johan Stuy*, edited by Marc Van den Bossche and Karl Verstrynghe (Brussels: VUBPress, 2023), 163–211.

one should also take into account the impact of the humanist turn at large, as well as the growing importance of secularisation in society.¹² The importance of this turn – which can be defined as a reorientation of the secular sphere after World War Two towards ceremonial and social service work and an accommodationist stance towards religion-related political and legal arrangements¹³ – cannot be denied. The geographical spread has been as good as global, as humanist identifications occur in all continents today. This post-war shift coincided with a lessening impact of ‘Latin’ countries – predominantly catholic countries with Romance languages, France in particular – towards a larger sphere closely connected to an English language culture, obviously encompassing the Anglo-American context but not being limited to it.¹⁴ It must be stressed, in addition, that the humanist turn also had a distinct undertone of suspicion regarding communism and communist regimes. This widespread suspicion of communism within the humanist sphere (individual humanists with communist sympathies notwithstanding) should not be conflated with specific American anti-atheist sentiment connected to anti-communism. The humanist turn did not penetrate the Soviet bloc, where very different scenarios unfolded. The chapters by Neef and Guigo-Patzelt on the German Democratic Republic

12 We continue to use the notion of secularisation to refer to the diminishing impact of religion (mainly christianity) in Western societies, but we do not attempt to reproduce the binary scheme inherent to secularisation theory. We refer to earlier remarks regarding a non-binary approach of religion and non-religion, and also to the body of historical work that attempts to shed light on the dynamics at play in these societal transformations. To quote just one example: Christoph De Spiegeleer, “Secularization and the Modern History of Funerary Culture in Europe. Conflict and Market Competition Around Death, Burial and Cremation,” *Trajecta*, no. 2 (2019): 169–201.

13 This accommodationist stance has been accompanied by changing ways of relating to the state, which has come to be looked at as a (often complicated) partner of secular organisations and enabler of their practice, especially in countries where public funding has become the main source of financing the ceremonial and social service work of these groups. To complete the picture of the humanist turn, it has to be said that these developments have also triggered the emergence of counter-movements within the secular sphere which can be very critical of the humanist ‘soft line approach’ and renew classic and sometimes radical separationist and anti-religious freethinker motives.

14 Jeffrey Tyssens and Niels De Nutte, “Comparative Humanisms: Secularity and Life Stances in the Post-War Public Sphere,” *Looking Back to Look Forward: Organised Humanism in the World: Belgium, Great Britain, The Netherlands and the United States of America 1945–2005*, edited by Niels De Nutte and Bert Gasenbeek (Brussels: ASP, 2019), 151–172. The notion of a humanist turn was coined by Stefan Schröder, *Freigeistige Organisationen in Deutschland. Weltanschauliche Entwicklungen und strategische Spannungen nach der humanistischen Wende* (Berlin: DeGruyter, 2018).

highlight the often unexpected specifics of those central and eastern European dynamics at large. Surely the presence of these contributions on former communist states in our volume is quite unique.¹⁵ The so-called ‘popular democracies’ form a particular outlier. As a consequence the humanist sensibilities occurred only slowly and often quite hesitantly in those countries after 1989. The inclusion of central and eastern European countries in our broad understanding of European secular humanism can show that the latter is by no means a coherent entity with a shared narrative. In Europe, the Northwest is not the South and both are *a fortiori* not the East (which is too often forgotten).

For the post-war period, specific attention has been given to the defining and redefining of relationships between state, philosophic conceptions and citizens, as well as to their financial implications (see the chapters by Schröder, Igwe, Madera, Vannieuwenburg and Husson). Particular attentiveness has also been given to individuals’ and organisations’ strategies with regard to these diverse institutional settings, Western and non-Western (we can quote Gutkowski on dealing with individual or family status in the Middle East or Lancien on the particular forms of cooperation between the state and secular interest groups in France). Strategies are also at the core of chapters that focus upon lower levels of decision making, regional and local (see Schröder, Genin, De Nutte and Testa).

Three chapters are dedicated to perceptions. Blankholm and Nikitaki consider secular ways of looking at (non-religious) services, personal identifiers and church influence. Hawley-Suarez broadens the scope toward general perceptions of the Mexican secular framework. Interestingly, the focus has been less on the ways of dealing with the so-called return of religion and the religious other, mainly the place of Islam (only Lancien touches briefly upon the matter).¹⁶ Equally noticeable is the absence of scrutiny of recent right-wing appropriations of secular(ist) stances.¹⁷ We will come back to that.

15 Some recent work on Soviet atheism includes Victoria Smolkin, *A Sacred Space is Never Empty: A History of Soviet Atheism* (Princeton: Princeton University Press, 2018).

16 Often with implicit reference to Samuel P. Huntington’s notion of a “clash of civilisations”, the idea of a ‘return of religion’ was most prominently expressed by social scientists in the late 1990s and early 2000s, e.g. Martin Riesebrödt, *Die Rückkehr der Religionen. Fundamentalismus und der “Krieg der Kulturen”* (Munich: Beck, 2000).

17 As identified, for example, by Jean Bauberot in *Les 7 laïcités françaises* (Paris: Maison des Sciences de l’Homme, 2015), 103–118 and and Stephen LeDrew, *The Evolution of Atheism. The Politics of a Modern Movement* (New York: Oxford University Press, 2016), 178–212.

Public Authority and the Secular Citizen

There are good reasons for deliberately using the notion of ‘public authority’ rather than the notion of ‘state’, which is the habitual way of dealing with this matter. Implicitly, with this key notion of ‘church-state relations’, only the ‘central’ state is really taken into account. Obviously, excellent research has been produced from that perspective,¹⁸ but there are some problems with this approach. The exclusive focus on the ‘state’ already poses issues of comparison as centralised models and federal varieties can function according to a very different logic. But it is important to go beyond that differentiation and include lower levels of decision-making. We refer to all kinds of “localities”, as Martínez-Ariño¹⁹ calls them, but also to instances that can be somewhat larger, without necessarily becoming German *Länder*, Belgian *gewesten/régions*, French *départements*, and the like. There is no doubt that this perspective helps to correct a too unified view of national cases and fills in some blind spots as well.

Regional particularities are shown in Genin’s approach to secular moral services offered today in the Belgian French-speaking community and even more so in Schröder’s presentation of the specificities of Bayern in present-day German secularism. Lower levels are just as present in several chapters. In the historical contributions, the local level already comes to the fore. The contestation of the religious oath formula in Belgium resulted, as Tyssens shows, from the local response of judges that could allow dissidents to affirm without any religious invocation, a practice that was eventually curtailed by a central, high court decision. Another example is Kosuch’s analysis of cremation in Italy, where the role of cities in organising crematoria was essential. In Belgium again, as De Nutte shows, *de facto* recognitions of secular organisations in Flanders occurred on a municipal level well before any subvention law was voted at the national level.

We have elaborated upon different levels within public authority, but we must also pay attention to the different sectors that subdivide it. Indeed, in the relationship between public authority and the non-religious, more is at stake than the simple financing of divine service, for instance. The recognition of a ‘non-confessional community’ in countries like Belgium already broadened the scope of state funds originally mobilised to pay clerics. But there is much more. As we might expect for countries with an old *laïcité* or *laicidad*, Lancien and Hawley-Suarez show how education is very much a core sector in the construction of

¹⁸ See, for instance, Gerhard Robbers, ed., *State and Church in the European Union: Third Edition* (Nomos Verlagsgesellschaft mbH & Co. KG: Baden-Baden, 2019).

¹⁹ See Julia Martínez-Ariño, *Urban Secularism. Negotiating Religious Diversity in Europe* (London: Routledge, 2021), 13.

secular frameworks in France and Mexico. The elaboration of a service model within the world of secular humanist societies in the post-war period introduced humanist chaplains to hospitals and other types of care institutions, usually as volunteers, sometimes on the payroll.²⁰ The integration of non-religious actors into these sectors led some of these non-religious organisations to adapt their internal *modus operandi* to fit frameworks originally designed for religious actors, i.e. structural isomorphism as demonstrated by Schröder in this volume.²¹ The sometimes uncomfortable adaptation to older ‘pillarised’ models (in the Netherlands for a long time or in Belgium still today) is one example of this. Fitting oneself into broader legal provisions for charities (in the UK and in the USA), such as tax-exemption schemes, is another.²² This could even lead to a more fundamental repositioning of those organisations. What is clear, given the variety of public authority levels, models and sectors, is that the non-religious organisations today are very much path dependent. We will come back to this when we touch upon the emergence of the social service type of secularism.

In the thick forest of non-religious organisations, where do we find the individual?²³ We already stressed the importance of not being caught in a tunnel vision that obscures everything that happens ‘outside’ organisations’ particular premisses. The individual advocacy of the non-religious citizen needs to be taken seriously. Agency of completely unknown freethinkers, secularists and the like – not necessarily card-holding ones, appearing as a ‘militant’ only once in a lifetime – was what led to the earliest breaking of old religion-determined practices. The oath question is an excellent example of this, and not only in Belgium by the way.²⁴ But

20 The service model is not necessarily limited to care in the strict sense, but in some instances extends to penitentiary institutions, army corps and airports (closed institutions, in short). Beyond these particular fields, in some rare instances this includes national public broadcasting.

21 This can even lead to phenomena of ‘social hypercorrectness’ where for instance the focus on particular ceremonies shows an unexpected pursuit of religion-like practices, usually at the expense of a classical secularist profile. For the concept, see Abdelmalek Sayad, “Immigration et ‘pensée’ d’État,” *Actes de la Recherche en Sciences Sociales* 129, no. 1 (1999): 5–14. These adaptations have led to criticism but have also given rise to an enthusiasm that, following Levine or Engelke, one could indeed call a “joyous secularism”. See Matthew Engelke, “Afterword: getting hold of secularism”, in *Secular Bodies*, 200.

22 Different strategies employed by American secular organisations are shown by Joseph Blankholm in “Secularism and Secular People,” *Public Culture* 2 (2018): 254–261.

23 We must add to this that relations of kinship, friendship and neighbourliness are very much under-investigated as well, although their impact on secularist militancy was and is of vital importance.

24 This was already shown in the pioneering study by Edward Royle, *Victorian Infidels. The Origins of the British Secularist Movement 1791–1866* (Manchester: Manchester University Press, 1974).

the place of individuals does not need to be solely viewed in militant settings. Individual negotiations on very personal matters – such as those prominently present in Gutkowski’s chapter on Lebanon – can be just as revealing. This obviously calls for an adequate identification of a set of features of those same individuals. The field has seen growing attention paid to this with some case studies on, for instance, African American or feminist freethinkers or even secularist practices of and with regard to children.²⁵ Class has been a focus of old, ethnicity, gender and age (to a lesser extent) have become more central. The tension between centre and periphery (Global North versus Global South; the urban versus the rural; the organised versus the free-floating) remains an issue.

This new focus on individuals, low-level situations, micro(hi)stories in short, eventually helps to achieve a better understanding of *laïcité*, ‘secularity’, ‘separation’, etc. compared to the way they are usually approached, i.e. in terms of (quasi-)constitutional norms and laws. Obviously, these regulatory elements are and remain essential but can only be genuinely understood when weighed by dint of their concrete implementations on the ground. A considerable distance between these two figurations can often be observed. This brings us to recall the so-called ‘skinny definition’ Jacques Berlinerblau advanced of ‘political secularism’. In his words, that would be “legally binding actions of the secular state that seek to regulate the relationship between itself and religious citizens, and between religious citizens themselves”.²⁶ The ‘unpacking’ of the notion of ‘secular state’ (or its less clearly ‘secular’ likes) that Berlinerblau calls for one way or another, needs to include these complex issues of problematic implementation, the adaptation to realities on the ground, negotiations with groups, families and individuals.

For that matter, these dynamics between different levels of public authority show how some clichéd representations of French *laïcité*-type systems actually miss the mark. The alleged anti-religious features of those secular frameworks are not really echoed by observable fact. As one of the authors of this introduction has already noted, this oppositional understanding, which we suspect to be somewhat indebted to current iterations of secular groups, ascribes a characteristic to secularism that does not belong to it, namely, that of a social or interpersonal dimension. Secularism concerns itself with institutions and organisational constellations as

25 Christopher Cameron, *Black Freethinkers. A History of African American Secularism* (Evanston: Northwestern University Press, 2019); Laura Schwartz, *Infidel Feminism. Secularism, Religion and Women’s Emancipation, England 1830–1914* (Manchester: Manchester University Press, 2013); Jeffrey Tyssens, “Working Class Children, Death and Secularity: Belgium in the 1890s,” *Revue Belge de Philologie et d’Histoire* 4 (2017): 917–936

26 Berlinerblau, *Secularism. The Basics*, 5–6.

they relate to religion.²⁷ The interplay between different levels shows very interesting dynamics. Localities can make general norms more workable in particular contexts, whereas central institutions – such as the French *Conseil d'Etat* – invoke general principles to correct deviations of local authorities as well (notably when they seem to take hostile positions towards particular religious groups).²⁸ Even if the central state is looked at as such, administrative practices can also show less obvious ways of supporting philosophical groups. Lancien shows, for example, how the French state, for a number of years at least, used secondment mechanisms to give *de facto* support to the (moderate) secularist *Ligue de l'Enseignement*, the separation principle notwithstanding.

Varieties and Contexts between Two Types: The Birds and the Feathers

When secular individuals found groups or build organisations to articulate their philosophical, cultural and political claims, explicitly or implicitly, they most often do so in relation to public authority. As the chapters of this volume show, this is done in manifold ways. The self-understanding of such collectives, the way they organise and the agendas they pursue depend on the public context they act in, including different models of religion-state relations, historical paths of secularisation, legal regulations (Madera's chapter shows this in a comparative framework for the US and Italy), as well as socio-political frameworks and their level of religious normativisation. Like every other subject, non-religious groups and organisations are entangled in historico-cultural, as well as political frameworks and their “multiple secularities”.²⁹

However, at the latest with the founding of the International Humanist and Ethical Union in 1952, and the subsequent humanist turn, an international two-fold typology took shape within the secular sphere alongside the lines of different

27 Niels De Nutte, “Secularists no more? The Belgian secular sphere's plight for life stance recognition in a model of mutual interdependence,” Paper presented at *Secular States Struggling with Religious Freedom*, ETF Leuven, 4 May 2023.

28 See, e.g., “Burkini, crèches de Noël et laïcité: les décisions du Conseil d'État,” *Vie publique*, last modified 22 June 2022, <https://www.vie-publique.fr/eclairage/38383-burkini-et-creches-de-noel-decisions-du-conseil-detat-sur-la-laicite>.

29 See Monika Wohlrab-Sahr and Marian Burchardt, “Multiple secularities: Toward a cultural sociology of secular modernities,” *Comparative Sociology* 6 (2012): 875–909.

ideal types of groups and organisations, and their respective political projects. LeDrew labels them “atheism” and “humanism”,³⁰ Tyssens and De Nutte make use of the terms “protest identity” and “project identity”.³¹ In his chapter on Germany in this volume, Schröder calls them “secularist pressure group type” and “social service type” and argues here and elsewhere that the scope of tensions and conflicts between them exceeds the German example and can be observed in several other contexts – usually of post-war welfare states – as well.³²

To understand the genesis of this development, one has to take into account changing relations between non-religious groups and organisations with public authorities in Western Europe after World War Two, as they play a key role in this process. Especially in the Netherlands and Belgium, and also a bit later in Norway and Germany, non-religious collectives began to focus on relating to legal and political arrangements that were originally designed for religious communities, especially Christian churches, and successfully claimed ‘equal’ treatment for themselves. This was accompanied by a certain kind of what one might call ‘identity politics’ today, with the concept of humanism at its heart. Like humanism, non-religion was re-interpreted as a life stance or philosophy that was built in parallel ways to dominant religious frameworks in the respective contexts and in peaceful co-existence with them. Humanist groups and organisations focused on social services for the non-religious, including moral counselling (see De Nutte in this volume for the Belgian case), educational services (see Lancien’s chapter for France), hospice services or secular lifecycle ceremonies (see Schröder in this volume for the German case). The varying set of humanist social services provided in different contexts obviously depend on the existence of similar practices by religious communities and public support for them, e.g. through public funding (see the chapters by Husson for Belgium and Schröder for Germany). These specific incorporation systems not only generate but also (sometimes very narrowly) limit spheres of action for humanist groups and organisations. In some contexts, however, humanists have learned to relate to these systems in ways that lead to increasing fields of practice, growing membership numbers and public recognition – Belgium and Norway come into mind as two prominent examples.

³⁰ Stephen LeDrew, “Atheism Versus Humanism. Ideological Tensions and Identity Dynamics,” in *Atheist Identities. Spaces and Social Contexts*, edited by Lori G. Beaman and Steven Tomlins (Cham: Springer, 2015), 53–68.

³¹ Tyssens and De Nutte, “Comparative Humanisms: Secularity and Life Stances in the Post-War Public Sphere,” 170–171.

³² Stefan Schröder, “Humanism in Europe”, *The Oxford Handbook of Humanism*, edited by Anthony Pinn (New York: Oxford University Press, 2021), 109–129.

As already mentioned earlier in this introduction, however, the humanist turn also brought about counter-movements within the secular sphere, which often relate to classical and rather radical separatist and anticlerical, sometimes anti-religious, freethinker frameworks (described in their historical genesis, e.g. by Kosuch in this volume for Italy), but sometimes also try to give politically secularist claims a modern outlook, as in the case of the *Giordano Bruno Stiftung* in Germany, founded in 2004 (see Schröder in this volume). Many of their adherents consider the accommodationist approach of humanism a betrayal of the secularist cause. They criticise non-religious organisations that benefit from legal and political arrangements designed for religious communities for legitimising and stabilising these arrangements instead of doing the right thing and striving for their diminishment. For them, humanism should not be understood as a philosophy or life stance on the same level with religious communities but as a meta-philosophy or meta-life stance, a guidepost for society as a whole, including a truly and completely secularised state. Tensions and conflicts between the secularist pressure group type and the social service type appear between different non-religious collectives but can definitely also be staged within one group or organisation.

To what extent can the twofold typology be generalised? While we think that using it heuristically may lead to fruitful analytical insights, there should be no doubt that we refute any essentialist understanding of this model and opt for deeply contextualising its application. As Gutkowski's chapter on the Middle East shows, the utility of the typology might be restricted to contexts in which christianity is the dominant 'religious other', as understandings of secularity and being non-religious with a predominant relationship to islam seem to transverse the majority of christianity-related cases in this volume. Furthermore, the model is stretched to its limits in contexts in which religious normativisation only allows for very narrow spaces of being openly non-religious and relating to public authorities as such (see, for example, Igwe in this volume).

The Other Secular Paradox?

What, after a conference such as the one we organised, would seem to be the optimal 'secular framework' for the non-religious? The original-goals-and-final-results question might seem to have an obvious answer, but that just seems a bit too simple. This is why the title of this subsection gives a nod to the recent book by Joseph Blankholm, one of the contributors to this volume. In his view, the result of an anthropological approach, the secular paradox would amount to seemingly contradic-

tory belief regimes of the non-religious and to their subsequent production and maintenance of networks, communities and practices (which are very much comparable to the belief regimes and networks, etc. of the religious).³³ We refer to something else, namely, the eventual conclusion that regimes that seem to offer the best chances for the secularists' project might just not, or not always, be all that favourable to the nones at large and to secularists more specifically.

It is precisely in this respect that the chapters relating to the German Democratic Republic (GDR) prove their specific added value to a more general study of secular frameworks and the endeavours of the non-religious. The support of militant atheism in the Soviet Union was already only a temporary phase in the communist party's policies and quickly became marginalised in the 1930s. Interestingly, that was not really a unique figuration. As Neef's chapter shows, in the German Democratic Republic, secularist or secular humanist organisations were hardly present, notwithstanding a German past with a very visible proletarian mass movement to foster church exit in the Weimar Republic notably. East German 'Scientific Atheism' had little to do with secularist organisations and their goals. Revealingly, as Guigo-Patzelt demonstrates, a state-sponsored movement of *Freidenker* only surfaced in the very last year(s) of the GDR.

This throws an unexpected light upon the alleged secularity/secularism of the so-called 'people's democracies' in central and eastern Europe. But the question needs not be limited to these state formations which have now disappeared (we are making abstraction of comparable cases such as the People's Republic of China). Other examples of (very self-conscious) secular frameworks like France seem to show comparable issues. Where French prisons, hospitals, etc. (the 'closed institutions' we already referred to) have catholic, protestant, muslim, buddhist, orthodox, jewish and even Jehovah's witness chaplains,³⁴ nothing comparable exists for the non-religious in the *laïque* republic. Which explains, no doubt, why some in this context, after the 'victory' of the secularist principle in 1905, do seem to look with some longing to models like the Belgian one where secular chaplains do exist and are even financed by public authorities. Similar reflections can be made with regard to the United States of America. Blankholm stresses the sense of a lack of secular service options in the US that his interviewees assume exist in Europe. Clearly the American wall of separation plays a role in this way of evaluating the

³³ Joseph Blankholm, *The Secular Paradox. On the Religiosity of the Non-Religious* (New York: New York University Press, 2023), 26–28.

³⁴ Nadia Beddiar, "La laïcité en prison, un principe emprisonné?," in *L'État et la religion dans l'espace public: approches pratiques et théoriques de la laïcité*, edited by Jérôme Grosclaude (Rouen: PURH, 2021), 146–147.

attraction of secular humanism. One could ask how these issues were or are perceived in contexts like the Turkish *laiklik* or what remains of it.

This is obviously not a hidden plea in favour of having the social service type exclusively adopted in every country. As we showed before, sensibilities differ between and within specific countries. Some have opted for a model of reasonable accommodation, as Cécile Laborde identifies as one of her ideal types,³⁵ that includes the non-religious as a group in and of itself. This may be a favourable model, but there may be a flip side to it. Reasonable accommodation in no way implies that different philosophical and religious convictions are really treated equally. Others have been less tempted by this approach and still prefer a separation model. But there are flip sides here as well. One may even doubt whether separation is all that complete in these contexts – it is not, at the end of the day – and it even poses the question of whether this is at all possible. However that may be, it appears clearly that this may imply discrimination for the non-religious as well, being excluded from specific services, even in the framework of public institutions like in France, while these services are considered to be something quite natural for religious citizens.

In a way, this brings us to an analysis we made in a publication in 2019, when we referred to sociologist Castells' conceptual trio of "legitimising", "resistance" and "project" identities (identities of social actors aligning themselves with dominant institutions, c.q. opposing them radically 'from the trenches' or trying to define a new position in order to transform the overall configuration).³⁶ Both resistance and project identities are focused upon the warranting of equal rights for people belonging to religious or philosophical minorities. Resistance identity, however, focuses upon the global transformation of existing settings into something completely new, the overall goals thus being negative and positive at the same time. A project identity seems to be more directed towards accommodation and work within existing settings. The overall goals would then only be positive. Some would reduce this tension, no doubt, to the one between a separation and a social service type, but that is not our view. Indeed, can we really speak about a sequence that is general and presents itself as almost a law of nature? We presume that surely this is not necessarily the case. Complex combinations between both identities seem to be at stake. Configurations can indeed be transformed, for instance when the religious other is transformed. Project identities can then again come back to sensitivities that we would ordinarily associate with a resistance identity. Hence, this volume goes against any determinist reading of the non-religious and of secular frameworks at large.

35 Cécile Laborde, "Political Liberalism and Religion: On Separation and Establishment," *The Journal of Political Philosophy* 21, no. 1(2003): 68.

36 Tyssens and De Nutte, "Comparative Humanisms," 164–167.

Further Perspectives for Further Findings

In this last section we would first like to come back to the issue of times and places. We observed at the start of this chapter that the age of revolutions has traditionally been an important era of reference for the earliest manifestations of secular militancy. Interestingly, the number of essays in this volume that explicitly included that earlier period, stretching to about the mid-nineteenth century, remained quite limited. When the second half of the nineteenth or early twentieth centuries come into view, this appears to be closely related to the presence of secular organisations in different countries. Earlier manifestations of secular practices and their often still non-formal ways of being organised thus tend to remain below the historians' radar.³⁷ No doubt this echoes the configuration of the field of secular studies at large. Definitely, a number of historians are active within its context but due to the important impact of problem definitions and source collections related to secularisation or modern humanism, processes taking place after World War Two have received the most attention. There is no doubt that this attention is justified, but that does not preclude the utility of looking at earlier periods armed with the questions, definitions and insights that have recently grown within the large interdisciplinary field of secular studies.

However much present developments are at the heart of many research projects, some current issues of debate have only been 'lightly' researched until today. Intersectionality, an often-used concept nowadays, has hardly been touched upon, or at best only concerning the connected double plights of secular(ist) women (see Blankholm in this volume) and LGBTQIA+s (see Igwe's chapter), freethinkers in ethnic minorities, low cast secularists, working-class freethinkers, etc. A multivariate analysis of discrimination connected with being non-religious still needs to be scrutinised more extensively. In research on intersectionality, discrimination of the non-religious is rarely included, if at all. The entire political spectrum is of importance in identifying the non-religious. For example, what about the secular projects coming from the political (far) right? What would their consequences be for the way states relate to religious and philosophical conceptions? What is the impact of neoliberalism and its fostering of a scaling back of the state as a provider of funds and other means of support for churches and other religious bodies, c.q. secular service organisations?

As far as Europe is concerned, it becomes ever more clear that homogenising representations of secular frameworks for the whole of the continent do not

³⁷ Those activities surely left their traces, but have to be looked for in other types of source material than those produced by formal secular(ist) organisations.

work. The usual focus on a set of countries in its west or northwest already shows considerable diversity. This variety would likely become even larger when due attention is given to regions and countries that are less frequently the object of papers on international platforms. We would welcome more research on the relationship between the state and the non-religious in Mediterranean countries like Spain and Portugal. The dynamics of research regarding central and definitely regarding eastern Europe need to be maintained. Secular frameworks in ‘people’s democracies’ with different religious settings such as Poland, Romania or Bulgaria can offer interesting insights. A recent book on atheism and freethought in post-communist European countries already indicated how little unity the communist past has imposed on the region with regard to the manifestations of unbelief, reflecting, no doubt, different religious contexts (notably with the presence of christian orthodox churches).³⁸ One may now ask to what extent this is echoed in the relationship between the non-religious and their public authorities today.

Do the typologies that have been developed for different European countries have any relevance in non-European contexts where completely different religious figurations are dealt with? In connection with the already mentioned “multiple secularities” project, quite a lot of work is currently being done on the Asian context with contemporary³⁹ as well as historical foci.⁴⁰ This could lead to gainful comparative perspectives, as long as secular actors do actually appear in these studies. This cannot always be taken for granted. Sometimes the understanding of secularity seems to be confined to an abstract principle or a discourse without even touching upon respective individual or collective identities. Interesting work has been and is being done about the MENA countries, but that does not cover the whole problematic of countries with a muslim majority.⁴¹ One can think of contexts like Indonesia, of course, but there is more at stake. It is necessary to go beyond the repetition of well-known historical facts regarding kemalism and come to sharper insights regarding its realities on the ground and its current transformations. The study of muslim populations in former central

38 Tomáš Bubík, Atko Rimmel and David Václavík, eds., *Freethought and Atheism in Central and Eastern Europe. The Development of Secularity and Non-Religion* (London: Routledge, 2021).

39 E.g. Mascha Schulz and Johannes Quack, “Who Counts as ‘None’? Ambivalent, Embodied, and Situational Modes of Nonreligiosity in Contemporary South Asia,” *Religion and Society* 14, no. 1 (2023): 126–139.

40 E.g. Max Deeg, Oliver Freiburger, Christoph Kleine and Karénina Kollmar-Paulenz, eds., *Grenzen der Religion: Säkularität in der Asiatischen Religionsgeschichte* (Göttingen: Vandenhoeck & Ruprecht, 2023); Ugo Dessi and Christoph Kleine, eds., *Secularities in Japan* (Leiden: Brill, 2022).

41 Aziz al-Azmeh, *Secularism in the Arab World. Contexts, Ideas and Consequences* (Edinburgh: Edinburgh University Press, 2021).

Asian Soviet republics – which sometimes seem to claim a secularist nature – can offer new perspectives altogether.

As we mentioned before, more attention needs to be given to ‘lower’ levels of analysis: Persons, networks, families, small communities and their respective strategies. This does not condemn the scholar to a kind of return to ‘localism’, notably because of the embeddedness of these small units of analysis in larger and even transnational entities. This is considered to be self-evident for the current situation, but the observation is equally valid for the nineteenth century for instance. One possible entry is the way networks of large cities – as scenes of secular policies in different fields – constituted important conduits of information and governance models. It also raises the question of what brokers – exiles and migrants for instance – were actually present in the field. Non-religion and its relation to public authority can be analysed in a *histoire croisée* (‘entangled history’) approach. Thus, complex exchange processes and connected policy transformations come into the picture.

The international frameworks of freethought have not escaped attention, but there is surely still a worthwhile field of research to be found on the ways public authorities – the local ones included – do not simply operate in a supposedly closed national setting. More attention needs to be given to large regional specificities as well. Would there not be a surplus value to be found in a comparison between Roman law and common law countries, notably, in the way litigation is used as a secularist strategy to modify public authority’s position towards the different religious and philosophical conceptions?

Interconnectedness can also be looked at in relation to the materiality and spatiality of the secular sphere in different countries. This raises questions on the infrastructure in which the non-religious operate. There are public buildings such as crematoriums but also buildings of a more private nature. Secular venues in London, such as Conway Hall, accompanied a particular *modus operandi*, different from the one in an earlier building of the *South Place Ethical Society*.⁴² This seems to contrast with the Belgian VLC’s, i.e. the secular humanist community centres of today. In the latter case, very different types of spaces have been attributed to non-religious communities by local authorities, but that does not seem to have affected the essence of their ways of working. Whatever the impact of space may be, the cost of buildings and their compliance with safety requirements, for example, are of such a nature that public authority is usually present at a given stage, as a sponsor, as a landlord, at least as a regulator of some sort. It is well

⁴² Callum Brown, David Nash and Charlie Lynch, *The Humanist Movement in Modern Britain. A History of Ethicists, Rationalists and Humanists* (London: Bloomsbury, 2023), 62–63.

known that the materiality of cults constitutes a major part of the way public authorities regulate the daily practice of religions. Hardly anything is known about how these ways of regulating religious and philosophical conceptions function for non-religious groups and communities.

To sum up, several axes can be defined for renewals of perspective when tackling the relationship between the non-religious and the state. The field needs a multi-layered approach to public authority. The same goes for secular actors: persons, families, networks, and other non-formal figurations. In this framework, spaces and materialities of secularity can also be placed on the research agenda. The whole spectrum between the local and the transnational, with the complex interconnectedness between and within those different levels, can thus receive its due place. This does not exclude the need to fill the classic blind spots that persist today. Some timeframes and some countries or regions still need to excavate their basic facts and figures; developments which have been well studied in the past, can also be looked at again through the lens of secular studies scholarship.

Part I

David Nash

Duelling with the Devil you Know. Secularism in Victorian England and its Relationship to the State

Both heaven and England are elective monarchies [. . .]. What Parliament has done Parliament can undo. (*Secular Review*, 16 February 1884)

This chapter investigates the ambivalent relationship that nineteenth-century British secularists had with the idea and reality of the state during the course of that century. Through the scrutiny of several individual careers, and their ideological output, it considers the ways many secularists theorised the state and its role. In particular, it examines what they found problematic about the state and how this – essentially – ensured that secularism in England would almost always have its heartland defined as liberal and individualist. The people studied span the whole century (and to an extent beyond) enabling us to see important elements of similarity and difference, especially if we consider the development of an ideology as well as continuity and change.

During the early nineteenth century, the state could easily be portrayed as an evil supporting established religion at the expense of freethinkers and freedom of thought. Yet equally it was reached for as the sometime panacea and enabling mechanism of reform and as a guarantor of citizenship. Thus, throughout the nineteenth century it had this deeply ambivalent potential for secularists who wanted change but equally valued their own achievements. Indeed, the achievements of secularism and its history of piecemeal gains was how the movement measured its success. When we also consider how secularism appealed to the skilled working class, a group which intersected with a considerable autodidact culture, it is possible to see how achievement was a significant class identifier. We can approach these elements through analysis of secularism's leading figures in the UK. These were encounters with power, privilege, vested interests and, optimistically, some very slightly opened doors.

Thomas Paine

If you were Thomas Paine, the man who effectively exported many Enlightenment inspired ideas from the French Revolution to England and America, theorising the future of the state meant you had first to banish the past which lay all

around you. Paine's often acerbic writing reached into the imagination, substantially because he frequently seemed convinced that this was the key to the state's ability to wield power over its subjects. Within a secular and freethinking perspective, Paine described the state as an entity relying upon mysticism to do its work. This mysticism ensured such government relied on awe, majesty and deep impression to govern. At no point was consent and participation sought after by what forms of authority that existed. Thus it was easy to argue that such conceptions of government, those which relied upon organicism and a natural hierarchical order were illegitimate and irrational. This statement also fused criticism of the state with criticism of christianity's claims to authority. For Paine both envisaged having a hold over the minds and imaginations of humanity with no credible justification.

Structures, whether sacred or secular, were made to feel natural and graciously dispensed by a higher and benevolent power. The aim of this was to convince individuals to simply acquiesce in the country being the perennial playground of kingcraft, priestcraft and lordcraft. Too often we think that Paine here identified a range of enemies that is a sort of class analysis before class, as generally recognised by subsequent Marxist analysis. Importantly, as J.C.D Clark has warned us, too many different schools of thought too readily equip Paine with the mental agility to be a prophet of some types of modernity, self-consciously predicting revolutions and the coming of a welfare state.¹

Considering Paine more obviously in context, we often focus upon the first half of the words 'King', 'Priest' and 'Lord'. These nouns speak of hierarchy and class, as well as means and motives for oppression. But we need to look beyond this because we neglect the importance of the additional word 'craft', be it verb or adjective, and its ability to scrutinise issues around manner, idiom and forms of hegemony. We should remember that the notion of 'craft' implies cleverness, deceit and a hard to resist appeal predicated upon the use of mysticism. Paine indicated that the governance of his age, and thus the state, were illegitimate and held the minds of its citizens fundamentally in a form of mental slavery. He did link the critique of monarchy and the critique of religion, and specifically he saw the monarchy of his age had been inherited as a product of the judeo-christian world. This he saw as distorted and damaging something he described as offensive, idolatrous and anathema to the true religion of his deism: "[W]hen a man seriously reflects on the idolatrous homage which is paid to the persons of Kings, he need not wonder, that the

¹ J.C.D. Clark, *Thomas Paine: Britain, America, and France in the Age of Enlightenment and Revolution* (New York: Oxford University Press, 2018).

Almighty ever jealous of his honor, should disapprove of a form of government which so obviously invades the prerogative of heaven.”²

In *The Rights of Man* he argued: “It can only be by blinding the understanding of man, and making him believe that government is some wonderful mysterious thing, that excessive revenues are obtained. Monarchy is well calculated to ensure this end. It is the popery of government; a thing kept up to amuse the ignorant and quiet them into taxes.”³

Paine spoke for the commercial interest seeing this as linked to the essential justice of democracy, importantly as a desperately needed panacea for the ills of the societies he witnessed. As Matteo Battistini has argued, “the nation-states could renew their political legitimation only by answering to the popular demands of liberty, equality and prosperity that would rise from their societies. In other words, the national and international policies of the nineteenth century would rest upon the interrelation between commercial expansion and democratization.”⁴

This idea of searching for a panacea for the ills perpetuated by society’s alliance with the state greatly motivated the subsequent freethought movement in Britain. As such, freethinkers continued a culture of criticism and searching for alternative solutions that reappears in the ideas and actions of Owen, Holyoake, Bradlaugh and Besant. Paine’s interest in funding forms of welfare also indicated that the state should be indicted for its failure to deliver material prosperity. Nonetheless, it was also charged to deliver what we would now call human flourishing. This could not happen, according to Paine, since our best natures were denied by mysticism that the state promoted and endorsed.

Thomas Paine’s faith in democracy was built upon reading and thinking publicly – arguably a cultural outlook which made him beloved of the secularist movement’s socially self-made and autodidact members. Paine may never have contemplated that modernity’s communications media could eventually become complicit in the mysticism he argued should be swept away. The individuals that subscribe to monarchy now, express narratives and tropes of admiration, selfless service and lifetime devotion. Were he alive to see it Paine might argue our society has gone the way that Edmund Burke and the arch conservatives alongside him wanted it to. Laws, institutions of government and societal interests may

2 Thomas Paine, “Of the Origin and Design of Government in General with Concise Remarks on the English constitution,” in *Common Sense* (Philadelphia: R. Bell, 1776).

3 Thomas Paine, “Of the Old and New Systems of Government of the Present’,” in *The Rights of Man, Part Two* (1792).

4 Matteo Battistini, “Living in Transition in the Atlantic World: Democratic Revolution and Commercial Society in the Political Writings of Thomas Paine,” *Nuevo Mundo Mundos Nuevos* (June 2012), <https://doi.org/10.4000/nuevomundo.63485>.

have evolved organically, but they still require forms of alluring mysticism which very evidently is a powerful and still successful method of garnering consent in the contemporary world. This mystique that surrounds monarchy and hierarchies is one element that cements a connection between secularism and the republican movement – one that transcends the simple personal connections of Paine or Bradlaugh – but more of this later.

But we must also place Paine back into an international context and note how his pronouncements on the British Constitution sit alongside both critique and admiration of constructed forms of alternative government in France and the US. Although he was aware of it, Paine may probably not have envisaged the precise nature of attitudes to English/British exceptionalism – something reinforced by musings upon the history of government and society both before and after Paine's own time. This perplexing but durable narrative provides a window onto the British people's exceptionally fuzzy – almost mystical – views of the state. One arguably aided and abetted by avoiding the seventeenth-century's religious wars (certainly evident in some outlooks). Likewise, the country also avoided the substantial upheavals many European countries experienced as a result of the French Revolutions of 1830 and 1848, and the commune of 1870. The upheavals in Russia, Germany, Italy and Austria in the immediate aftermath of the First World War were scarcely replicated in Britain. But as a result of these 'absences' Britain talked itself into an exceptionalism which meant it was scared of the violence to morals and society that it could readily imagine. Only the providential favour of the almighty had prevented such carnage – plenty of evidence for this exists in popular statements about blasphemy and letters to the Home Office.⁵

Early Century Precursors

If you were one of those who inherited the mantle of Thomas Paine – Richard Carlile, his wife, his sister and a number of compatriots in the 1820s – you would argue that the state was something that prohibited free speech, free argument and the rational access to knowledge. This was knowledge of everything from the mysteries of how the country was governed and ideas of 'legitimacy', right through to mysteries of birth control.

The state hid behind a number of private agencies, such as the vice society which it sponsored to bring prosecutions for blasphemy and sedition against Car-

⁵ See David Nash, *Blasphemy in Modern Britain, 1789 to the Present* (Middlesex: Routledge, 2021).

lile and many others.⁶ The state was thus cowardly and afraid of public opinion but nonetheless prepared to use the courtroom to silence individuals. It thus appeared interventionist without ever giving its reasons for doing so. Nonetheless these defendants were always successful at painting these reasons as thoroughly negative ones.

Robert Owen in the 1830s and 1840s – the individual whose utopianism was one of the inspirations behind the early nineteenth-century secularist movement – found himself confronting the state as a direct opponent of his programme. The state to Owen was the ‘Old Immoral World’ – something that enabled reckless capitalism to alienate individuals from the means of production (conceived of in a manner that predates Karl Marx). Owen wanted communitarianism and an economic escape from the terrors and inequities of the market. For Owen the state was also the protector of state religions and the evils they perpetrated. But, interestingly, Owen did at one point approach kings and prime ministers inviting them to see the rationality of his own utopian system, actively inviting them to dissolve themselves as institutions so that this would usher in the New Moral World.⁷

George Jacob Holyoake, a prime mover in the co-operative movement and the founder of nineteenth-century secularism, was a fellow traveller of Owen, at least for a time. After the collapse of Owenism, Holyoake’s watchword was protection and this shaped his foundation of the mid-century ideology of secularism. Before this he was instrumental in founding the defensively minded Anti-Persecution Union, and its journal gives an interesting insight into one species of ambivalence about the state. The *Movement and Anti-Persecution Union Gazette* espoused religious progress as an ideal – but its pages are full of the prosecutions of its advocates in London, Scotland, Madeira in the Atlantic and elsewhere. Prompting his paper to assert: “To say that private men have nothing to do with government, is to say that private men have nothing to do with their own happiness and misery”.⁸

So we can see the essence of secularist outlooks in this statement in the 1840s demonstrating the state operating as an agent of repression – but ultimately (if

6 The best single account of Carlile and his agitation is Michael Laccohee Bush, *The Friends and Following of Richard Carlile: A Study of Infidel Republicanism in Early Nineteenth-Century Britain* (Tarpon Springs: Twopenny Press, 2016).

7 For Owen, see Gregory Claeys, *Citizens and Saints. Politics and Anti-Politics in Early British Socialism* (Cambridge: Cambridge University Press, 1989); Frank O’Hagan and Robert A Davis, *Robert Owen* (London: Continuum Press, 2010); John F.C. Harrison, *Robert Owen and the Owenites in Britain and America: Quest for the New Moral World* (New York: Routledge and Kegan Paul, 1969).

8 *The Movement* 4 (1843): 7.

we believe in progress) it can be the agent of enablement. Arguably the task facing secularists in the mid-nineteenth century was to refine, develop and articulate what that enablement might mean.

Provincial Secularism – Sydney Gimson and Leicester

If one were Sydney Gimson (president of England's most successful provincial Secular Society in the English midlands, an organisation which flourished especially in the 1880s) – a man who was also a local engineering employer in Leicester – the state was potentially malevolent. Sydney Gimson provided provincial England's most durable and successful lecturing platform from the 1880s until well into the twentieth century. As a lecture chair and audience member he listened intently to the various currents of political theory debated at the Leicester Secular Society during this period. Thus he was exposed to Fabian socialism, the cultural socialism of William Morris and the Eastern European anarchism of Stepniak.⁹ But he eschewed all to become a devotee of Herbert Spencer's individualist liberalism and libertarianism, and of other individualist movements such as the Liberty and Property Defence League. This organisation saw socialism as engaged upon the annexation of property and an assault upon the freedoms which had arguably become a cornerstone of secularism's critique of state power and its misuse. As such Gimson was representative of many dragged from liberalism to its extreme edge in the shape of libertarianism. These men effectively stayed as mid-century radicals when others (such as Frederick James Gould and many who had been attracted to positivism) saw more potential in the aspirations of the labour movement.¹⁰

But which Charles Bradlaugh?

In looking at the British secular movement, and its progress throughout the nineteenth century, we are invariably drawn to the opinions and character of Charles Bradlaugh. He founded the National Secular Society in 1866, remaining its President (despite a one-year interlude) until 1890. This profile was augmented by his long

⁹ David Nash, *Secularism, Art and Freedom* (London: Pinter Press, 1992).

¹⁰ Nash, *Secularism, Art and Freedom*.

struggle to enter parliament and his quest for the legal recognition of atheists in parliament meant he acquired hero status amongst the rank and file secularists. For approximately 25 years, Charles Bradlaugh embodied for many, especially in the metropolis, the hopes of rank and file secularists around the campaigning national movement. These hopes focused upon a number of milestones of citizenship. The right to affirm, the right to access birth control literature, the freedom of the press and the right to stand for and sit in parliament were all campaigns in which Bradlaugh played the leading part. By focusing on such campaigning, the movement sought to have grievances addressed rather than offering to implement an overarching programme for a new economic or social basis of society. Given this difference the secular movement more often resembles the mainstream liberal party which held together a number of radical causes and grievances, uniting them under the umbrella of a loose progressive alliance. Indeed, in many respects we can see a number of these tendencies in Bradlaugh's reaction to the political and cultural choices that lay before him. Some of these were political events yet some of them were also formative experiences in his life that shaped his outlook and thinking. It is important to note that these come down to us from numerous autobiographical writings. Thus, Bradlaugh's thoughts and experiences quite often shaped rank and file opinion about the religious and political landscape of the final quarter of the nineteenth century. Yet there was also a degree of self-fashioning to create an appealing image.

The Young Cavalryman Charles Bradlaugh

Bradlaugh and subsequently his daughter, Hypatia Bradlaugh Bonner, noted the importance of his experiences in the army as formative of his distaste for empire and imperial enterprises. As a member of a cavalry regiment Charles Bradlaugh was someone who in colonial Ireland found himself an unwitting agent of the state. Bradlaugh witnessed an eviction at Iniscarra (County Cork) in which the mother of the evicted household begged for the house to be spared, simply to allow her ailing husband to die in it. Ignoring this the local land agent instructed the soldiers to carry on with the eviction and the destruction of the dwelling. The woman was driven visibly mad by the ordeal and came to the front gates of the barracks carrying a dead child with another one visibly starving, a scene described by Bradlaugh himself in painful detail.¹¹ His own response was to consider that if he had been a male relative of this woman he would have been

¹¹ Charles Bradlaugh, *Champion of Liberty* (London, Watts and Co.: 1933), 243–244.

justified in seeking revenge for such inhuman treatment. This event left a deep and lasting impression on Bradlaugh who argued it shaped his attitude to empire thereafter. He also became a spokesman for Irish Home Rule and a staunch defender of Irish interests. Such experiences enabled him to see empire as a playground for aristocratic malevolent interests that despoiled colonial societies in search of unearned and illegitimate wealth. Riches that were gained by theft, fraud and subterfuge. Typical of such arguments was the occasion when Bradlaugh indicted the investment of national capital in the Suez Canal shares. In it he saw corruption with Disraeli borrowing money from the Rothschilds at exorbitant interest. Bradlaugh exposed the poor financial condition of Egypt, the “rottenness of the Egyptian Government”, its suppression of a national movement for self-determination in its midst, and the indebtedness of the Khedive.¹²

Indeed, Bradlaugh’s later broader analysis of Ireland’s woes went beyond individual personal encounter, and combined anti-imperialism with free market economics. He saw that the attempts of Irish agriculture and proto industry were regularly strangled out of existence by English tariffs, trade embargoes and interference.¹³ Upon entering parliament, Bradlaugh would have the opportunity to expose Irish grievances to public gaze, thereby shaming the state that encouraged and permitted such actions.¹⁴

Bradlaugh and the First International

Bradlaugh was involved in some of the formative moments where mid-century radicalism debated its possible different directions. Sufficiently intrigued by many of its aims, Bradlaugh took part in the meeting of the First International. He withdrew from it for both ideological and personal reasons. On a personal level, Marx was anxious that IWMA not be captured for atheism and the free-thought agenda. Marx was also tired of the class collaborationist tendency that

¹² Annie Besant, *Autobiographical Sketches* (London: Freethought Publishing Company, 1885), 109–110.

¹³ Bradlaugh, *Champion of Liberty*, 241–242.

¹⁴ Patrick Corbeil has argued that scrutiny of empire, and the achievements of imperial secularists were important in providing what he called “ammunition” for attacks upon home anachronisms as well as highlighting the possibilities of future progress. See Patrick Corbeil, *Empire and Progress in the Victorian Secularist Movement: Imagining a Secular World* (London: Palgrave Macmillan, 2021).

manifested itself in a romanticised admiration of Giuseppe Mazzini.¹⁵ Meanwhile, Bradlaugh found himself disliking the direction of socialism and instead affirming much milder liberal individualism. This nonetheless allowed him to support many of the activities and aspirations of trade union members, and those who believed in solving the late nineteenth-century land question in England. Certainly he developed his own critique of wealth inequality.

Digging deeper it is possible to see Bradlaugh's obsessions with independence, mindful of his appeal to the skilled working classes, underpinning some of his reaction to socialism.¹⁶ In particular he also adhered to a neo-Malthusian line which fitted in easily with his self-help ideology and its appeal to the skilled worker. This would instantly have put him in opposition to Marx, since it denied the idea of 'surplus value' and the reserve army of labour.¹⁷ What is initially important here is that he unerringly associated socialism with versions of state control, whilst his own initiatives and spreading the neo-Malthusian message would have created what Deborah Lavin terms a "capitalist utopia".¹⁸ Bradlaugh also believed that individual political contexts could too easily push individuals into more extreme positions than were beneficial to the whole of society. Bradlaugh attributed the growth of socialism in Germany to an unconsidered, if understandable, reaction to the apparently despotic government of Otto von Bismarck.¹⁹ Likewise, he was content to accept that revolution may appear attractive within an oppressive despotic society without freedom of expression and 'representative institutions', this was for Europeans to decide upon for themselves:

But in a country like our own, where the political power is gradually passing into the hands of the whole people, where, if the press is not entirely free it is in advance of almost every European country, and every shade of opinion may find its exponent, here revolution which required physical force to effect it would be a blunder as well as a crime.²⁰

Advocating this in Britain was to "distort real evils, and thus do mischief to those who are seeking to effect social reforms".²¹ He saw the state under socialism as an entity which would paralyse individual effort and disperse valuable energy that

¹⁵ Deborah Lavin, *Bradlaugh contra Marx: Radicalism versus Socialism in the First International* (London: Socialist History Society), Occasional Publication no. 28, 36 & 40.

¹⁶ Lavin, *Bradlaugh contra Marx: Radicalism versus Socialism in the First International*, no. 53.

¹⁷ Lavin, *Bradlaugh contra Marx: Radicalism versus Socialism in the First International*, no. 24.

¹⁸ Lavin, *Bradlaugh contra Marx: Radicalism versus Socialism in the First International*, no. 24.

¹⁹ Charles Bradlaugh, *Some Objections to Socialism* (London: Freethought Publishing Company, 1884), 100.

²⁰ Bradlaugh, *Some Objections to Socialism*, 112.

²¹ Bradlaugh, *Some Objections to Socialism*, 105.

would otherwise profit society.²² Moreover, his reverence for a species of English exceptionalism made him baulk at European style revolution, yet paradoxically he could support limited public order challenges to oppression.²³ Establishment of a socialist state could only occur as the result of a physical force revolution which would sweep away with it all the achievements of gradualist struggle. Such a revolution would inevitably seek to dispossess property owners which Bradlaugh considered would be practically impossible since the vast majority of the country possessed such property. This was spread, albeit scarcely evenly, amongst a great many classes. As he argued: “A property owner is not only a Rothschild, a Baring, or an Overstone, he is that person who has anything whatever beyond that which is necessary for actual existence at the moment. Thus, all savings however moderate; all household furniture, books, indeed everything but the simplest clothing are property, and the property owners belong to all classes”.²⁴

That this society of ownership would succumb to a confiscation of the assets of small savers and friendly societies, constituted what he termed “an attack upon the private property of the labourer.”²⁵ But he also remained anxious to defend the achievements of the secular movement over the previous 60 years, built upon lobbying and gradualism. Secularism had chosen to lionise the concept of free speech and machinery by which opinion was circulated and discussed. Bradlaugh considered all of these achievements to be dangerously underappreciated by the socialist state, and in some instances actively threatened by it. Socialism’s apparent certainty persuaded Bradlaugh that the free expression of opinion, especially dissenting opinion, could not be guaranteed. At the very best he foresaw that there would be an utter “stagnation of opinion”.²⁶ English exceptionalism was also evident in the triumph of gradualism that had allowed political liberalism to flourish and given vent to radical tendencies that could deliver measured and legitimate change. Foreign despotisms represented their own dangerous but ultimately very different context.

Bradlaugh’s antipathy to socialism was later confirmed by his handling of subsequent events. He eventually sought to create his own replacement for the IWMA which he called the International Labour Union. When its executive wanted to create a lecture circuit to promote socialist ideas Bradlaugh rapidly withdrew his support from an organisation he had largely founded.²⁷

²² Bradlaugh, *Some Objections to Socialism*, 102.

²³ Lavin, *Bradlaugh contra Marx*, 48–49.

²⁴ Bradlaugh, *Some Objections to Socialism*, 104.

²⁵ Bradlaugh, *Some Objections to Socialism*, 110.

²⁶ Bradlaugh, *Some Objections to Socialism*, 105.

²⁷ Lavin, *Bradlaugh contra Marx*, 70–71.

Bradlaugh Seeking to Enter Parliament

Bradlaugh had a mixture of state apparatus and procedure levelled against him in his repeated attempts to enter parliament through the early part of the 1880s. The law technically disbarred him from taking his seat and on one occasion he was confined by the Serjeant-at-Arms in the clock tower of the parliament building overnight.

Bradlaugh initially sought to affirm, something that had only been allowed to Quakers and Moravians, which had been conceded as a concession for marginal christian groups. As an atheist Bradlaugh did not qualify to take the solemn religious oath or the affirmation reserved for marginal christian groups. On being refused Bradlaugh sought again to take the religious oath. This caused consternation in both secularist and religious camps, but for our purposes it is worth looking deeper for some of the reasons he was prepared to take the oath. Putting himself forward for this rite of admission, despite his lack of qualification, was disruptive of procedures but he equally saw this iconoclastic act as essential. Bradlaugh argued that such oaths were actively of no consequence to the rule of government nor to the rule of law. His argument was that others already in the House of Commons had already in their heart flouted the importance and solemn nature of these precepts, and by following in such footsteps he was simply doing as they had done.

Seeking to go past something of only symbolic importance Bradlaugh was taking aim at the church state link by demonstrating the very translucent nature of this anachronism – an echo of Tom Paine’s critique of monarchy. Yet the ‘Bradlaugh case’ also illuminated vested interests at work on the opposition benches. This meant the ‘Bradlaugh case’ demonstrated to radical England that power and corruption lay at the heart of the state and could be used easily with impunity against them. State power, which the country was convinced was benign and watchful was here made to appear partisan about who was to be included in the operation of the constitution and who was to be excluded.

Bradlaugh within Parliament

Charles Bradlaugh eventually won his fight and entered parliament in 1886. Upon doing so he pursued a sustained series of actions widely aimed at protecting different parts of society from vested interests. He was involved in enacting a number of pieces of legislation which helped small market traders and small producers. Such individuals were very much his constituency, but the disabilities they laboured

under were customary and symptoms of vested interests gathering illicit and undeserved taxation that damaged trade and prosperity.

During this time Bradlaugh also became the House of Commons' 'member for India', a radical soubriquet bequeathed upon an individual prepared actively defend the colony and its interests. In this he fulfilled his destiny as an opponent of empire, critiquing vested interests at work. These he argued had become the governing class in India representing a coterie of aristocratic robber barons and profiteers who were despoiling the country and enriching themselves at the expense of the Indian population. He uncovered and discussed in parliament a number of scandals that demonstrated this, frequently embarrassing the conservative benches opposite and a number of individuals.²⁸

When with failing health he travelled to India he was feted by large crowds who saw him as the answer to their problems of government. Republicanism at home, when accompanied by godless secularism, meant he was firmly in political and ideological minority at home his message was far more viable in India. To the first generation of the Indian Congress Party a republic would spare them from British imperialism – a secular one would arguably save them from returning to the quasi-feudal stewardship of their former rulers.²⁹

Bradlaugh the Republican

Charles Bradlaugh's republicanism, though fully theorised, arguably also actually (paradoxically) came out of respect for institutions and the rule of law. Essentially, he constructed a model whereby monarchy was to be judged as an institution like any other. Fundamentally, it was a reaction to monarchy's moral, financial and sexual misbehaviour and an observation upon events. Queen Victoria's sleight of hand about the precise nature of her financial situation was a sore point with many radicals. Moreover, the Mordaunt divorce affair – a situation where the heir to the throne was criticised and scrutinised for his likely affair with Lady Harriet Mordaunt, especially since she was now pregnant. Bradlaugh's own *National Reformer* ran a number of stories that investigated the implications

²⁸ See Walter. L. Arnstein, *The Bradlaugh Case: A study in Late Victorian Opinion and Politics* (Oxford: Clarendon Press, 1965); Daniel Argov, *Moderates and Extremists in the Indian Nationalist Movement 1833–1920* (London: Asia Publishing House, 1967), 37, 45.

²⁹ David Nash, "Charles Bradlaugh, India and the many chameleon destinations of republicanism," in *Republicanism in Victorian Society*, edited by David Nash and Antony Taylor (Stroud: Sutton, 2000), 106–124.

of royal behaviour, in this instance, portraying the invasion of the comfortable domestic sphere of the middle classes with malevolence in mind.³⁰ The financial profligacy of the Prince of Wales was also a target and was made to contrast with the more obviously sober habits of the middle classes.³¹ This critique of aristocracy and monarchy pointed to the top and bottom of society where enthusiasm for both appeared more developed than in middle-class circles. This was constructed to indicate a pincer movement of the masses and aristocracy which was a potential assault upon the middle classes.³² All this served to indicate that the middle classes, arguably the only truly responsible classes, should fortify themselves and their achievements against despoliation at the hands of what *Reynolds Newspaper* termed “despotism”.³³

Bradlaugh, for example, ironically addressed the Prince of Wales as a fellow freemason arguing that no fellow freemason could possibly “write cuckold of the forehead of a dozen husbands, be a chaser after painted Donzels and likewise deeply in debt”. This was an indictment of royalty but also a celebration of the institutions of fraternal civil society which were the lifeblood of a flourishing body politic.³⁴ Judged against these it became a potent argument to compare the monarchy’s behaviour to other state institutions that would be scrutinized and dismantled if their behaviour had been so profligate.³⁵

Annie Besant

We are perhaps used to analysing Annie Besant in a range of guises. These stretch from devoted christian wife, right through to committed Indian nationalist by the end of her life. But for our purposes focusing upon her transition from secularism to socialism highlights certain representative aspects of each ideology’s approach to the state and their respective critiques of the other respective ideological position.

As a secularist Besant supported the critics of contemporary society’s refusal to allow free speech publication of matters related to family limitation. In this she fitted in alongside those who had campaigned for free and unfettered access to knowledge. She also fitted in alongside Charles Bradlaugh as a fellow advocate of

³⁰ *Reynolds’s Newspaper*, 27 February 1870.

³¹ *National Reformer* XIII, 13 June 1869; *National Reformer* XXV, 25 July 1875.

³² See John Davis, “Slums and the Vote, 1867–90,” *Historical Research* 64 (1991): 375–388.

³³ *National Reformer* XXVII, 9 April 1876.

³⁴ *National Reformer* XXV, 25 July 1875.

³⁵ See G. Standing, *Court Flunkeys, their ‘Work’ and Wages* (London: Freethought Publications Company, 1879).

allowing access to family limitation literature – essentially the argument behind the Knowlton pamphlet trial. This involved the prosecution of Besant herself alongside Bradlaugh for publishing Charles Knowlton’s Malthusian work *The Fruits of Philosophy* which eventually resulted in Besant’s involvement in the Malthusian League, the formation of which was one consequence of the verdict which went against the two defendants. As a Malthusian, Besant would have accepted the explanation that resources were finite and that family limitation was the best route out of poverty and misery for the masses. She even turned to, at least for a while, blaming colonised nations for the famines that had occurred in Ireland and India.³⁶

After Besant’s conversion to socialism, she was faced with having to jettison this very concept. Her major focused publication on the matter, *Modern Socialism* (1886), offered an underconsumptionist analysis of society’s economic and social ills. Her analysis of socialism which begins this work, revisited the history of the ideology in England paying due deference to Robert Owen, the architect of underconsumptionist arguments.³⁷ In this work Besant describes the failure of liberalism and non-intervention. She sketches an industrial age which had created vast riches amidst poverty. The system had also failed with gluts in the market leading to unemployment.³⁸ She saw capital and labour at war, describing this in the following terms: “[A]s capital can only grow by surplus value, it strives to lengthen the working day and to decrease the daily wage. Labour struggles to shorten the hours of toil, and to wring from Capital a larger share of its own product in the form of higher wage”.³⁹ Besant refuted Bradlaugh’s defence of small capital holders arguing the impact of removing the incitement to thrift was illusory, largely because the interest obtainable from such savings was simply too small to warrant objection.⁴⁰

Evidence of her wider concerns that underline all of her thought, throughout many changes was the effect of current systems upon the nature and exercise of morality. This focus on morality also seems to have been the start of many secularist critiques of existing society. Critiquing liberal laissez faire society and economics she noted that, for example, the adulteration of goods prevalent in the existing system had encouraged a fall in morality.⁴¹ Besant further argued that all

³⁶ Lavin, *Bradlaugh Contra Marx*, 27.

³⁷ Annie Besant, *Modern Socialism* (London: Freethought Publishing Company, 1886), 5.

³⁸ Besant, *Modern Socialism*, 4.

³⁹ Besant, *Modern Socialism*, 19.

⁴⁰ Besant, *Modern Socialism*, 35.

⁴¹ Besant, *Modern Socialism*, 27.

industrial evils can be cured by “the substitution of co-operation for competition, of organisation for anarchy in industry.”⁴²

Her attraction to socialism at this point meant that her conception of the state was that significant parts of it would wither away. Certainly a devotion to small-scale co-operation and local organisation was seen as something of a substitute for centralised control which had proved wanting. Infrastructural public assets such as railroads and tramways would, under socialism, be organised by local municipalities and ‘local bodies’. Such arrangement should also be constructed for both gas and water supplies.⁴³ The confidence Besant had in this can be demonstrated by her suggestion that systems of justice would be almost unnecessary because socialism will have rendered redundant the crimes of avarice.⁴⁴

The state only interrupted this dash for decentralisation in the area of education. Besant saw that a national system of education would refine taste and manners: “Individuality will then at last find full expression, and none will need to trample on his brother in order to secure full scope for his own development.” Nobler and more rational beings would be created by such a system. It would be “compulsory, because the State cannot afford to leave its future citizens ignorant and helpless”.⁴⁵

By the time Annie Besant had moved into her theosophical beliefs she also brought some of this thinking together in her reaction to political events. The First World War, for example, had pushed her into considering that the state should be identified with the nation as a partnership going forward into the post-war world. In citing Henry Sidgwick she closed down the traditional liberal philosophical fear of the state. Sidgwick’s dictum that ‘the larger the sphere of the State the smaller the liberty of the individual’ had now passed. She then identified the state with the nation so that government became “the Executive carrying out the will of the nation”.⁴⁶ In this same year, 1919, she elaborated further on this theme:

Now, in the New Era the State and the Nation will be the same; the State will not be bureaucracy as it is now even here to some extent, but the administration will be the servants of the people, in departments of the National life organised for the good of the whole and not for the benefit of a part.⁴⁷

⁴² Besant, *Modern Socialism*, 28.

⁴³ Besant, *Modern Socialism*, 36.

⁴⁴ Besant, *Modern Socialism*, 47.

⁴⁵ Besant, *Modern Socialism*, 41.

⁴⁶ Annie Besant, *The War and its Lessons on Liberty* (London: Theosophical Publishing House, 1919), 15.

⁴⁷ Annie Besant, *The War and the Builders of the Commonwealth* (London: Theosophical Publishing House, 1919), 15.

Some of this was also wrapped up in a critique of the West. In 1921's *The Great Plan* Besant argued the East had a historical conception that the duty of the individual was to the state. In the West, christianity evolved with the idea it was to foster the growth of the individual. Thereafter society worked on the basis of social contract. However, this shortcircuited morality leaving society without strong enough systems of law to combat forgery and swindling. Besant asserted that the Great War had dealt this system its death blow.⁴⁸

The End of the Nineteenth Century

By the end of the century the state remained an ambivalent presence in secularist ideals and rhetoric. Much of this sprang from English secularism's attachment to liberalism. Bradlaugh had quickly removed himself from the First International, thus closing down a route by which this branch of radicalism might later associate itself with the labour movement and socialism. As a result, several provincial secularists identified themselves with libertarian liberal individualism that echoed Herbert Spencer's fierce anti-statism. Such views also sprang from autodidact attitudes which distrusted compulsion in the tackling of social and moral ills.

Yet individuals like Bradlaugh saw the state's power and possibilities in an agenda of 'enabling' progress that would sweep away vested interests and privileges through gradualism. A wholesale overthrow of the state's established religion may once have been contemplated but by the end of the century Victorian secularism increasingly realised the state was an ally in the construction of progressive agendas. Such a situation had been aided by the gradual retreat of christianity in Britain, rather than wholesale breaks with its past. In part this gradual species of change explains Bradlaugh's divergence into wider domestic and imperial politics as well as his reverence for the English legal system, and his distrust of continental style breaks with the past and leaps forward into possible political darkness. Perhaps, strangely suggesting Bradlaugh as an heir to Edmund Burke as much as to Thomas Paine.

This ambivalence explains British secularism's surprising distance from forms of socialism and socialist culture which was important in other European countries by the end of the nineteenth century. Moreover, those who tried to pull British secularism in that direction (such as F.J. Gould and Annie Besant in one phase of her career) found their task an ultimately unsuccessful one.

⁴⁸ Annie Besant, *The Great Plan* (Madras: Theosophical Publishing House, 1921), 102–104.

Indeed it is interesting that Gould in later years found himself operating in the midst of a supra-nation state organisation in the shape of the League of Nations and this perhaps opens up a standard dilemma for humanists and secularists who must face such problems on a regular basis. How should such organisations plan and implement strategies they are working with to enact change? Do they move to working with overseas organisations and pressure groups when movement forward within their own nation state seems difficult or impossible?

The Open Society

The tension between narrow and wide goals was confirmed later in the twentieth-century post-war world when the various organisations that represented British humanism began to espouse the ideas of Karl Popper – as embodied in his concept of the ‘Open Society’. This was a response to totalitarianism and its philosophies that formed the reality of the 1940s. Popper’s work indicted Plato as a conserver of vested interests and for having disdain for the potential within the common individual. Marx, meanwhile, was determinist, historicist and overly obsessed with class struggle. The book was thus a defence of liberal democratic society. Arguing that such a society was thoroughly free of vested interests as any nineteenth-century liberal would have recognised.

In this instance the key word that was adopted was ‘enabling’. It spoke of democracy but also of meritocracy and did at least echo the aspirations of the secular movement’s long history of autodidact culture and the nineteenth-century liberal quest for middle-class representation and control of civil institutions.

Thus in the post-war world maintaining an Open Society was a species of watchfulness combined with the enduring quest to extend rights. The focus thereafter fell upon broadcast media, and this twin agenda can be seen in operation in this particular context. The desire to seek parity of access to the BBC would showcase humanist morality for the masses, but also fortify those who wanted demonstrations that humanists were being considered as fit for wider and deeper citizenship.

Yet the logic of the Open Society saw gaining access to broadcast media by the right minded was guaranteeing the maintenance of platforms of discussion and debate. It was also a guarantor against totalitarian control and the debasing of content. This was something that fitted in at least partly with Lord Reith’s visions that the BBC should educate, inform and entertain. Nevertheless the BBC did still regularly censor freethought individuals and broadcasts – denying some access into the contemporary period.

The Open Society concept also had a preoccupation with what state education was for and this came dramatically onto the agenda after 1944. The Open Society had ideals of citizenship but also wanted humanism to work against the idea that children were being trained to be cogs in a modern machine. This was partly a vision of liberal arts blended with belief in the enabling power of human potential – fearing the mechanistic utilitarian end of rationalism.

Conclusion

Thus we have encountered a bewildering array of responses to the state which indicates how humanism and secularism in Britain are overwhelmingly wedded to liberal worldviews. As such they did not become substantially rolled into a progressive radicalism that might be represented by the very mildly socialist Labour Party of the twentieth century. To this day many humanists and secularists remain liberal/social democrat voters. A fundamentally important common thread running through all of these interpretations is that the state has been ‘used’ by those with access to it as a tool for gerrymandering and private gain. All conceptions of changing it advanced by secularists from the earliest years of the nineteenth century (even if in later ideological guises) started from this fundamental premise. Ultimately they wanted it to do various things. Bradlaugh wanted it tamed for the flourishing of individualism and an unfettered constitution; Besant wanted it, when socialist, to wither away or simply be in charge of education. When theosophist she wanted the state to be identified with the nation offering power and support to all citizens, effectively implying the state had previously regularly supported an over-privileged rump.

There was, and remains no pillarisation in the United Kingdom as happened in other countries and, as a result, no statutory incorporation of secularists into the state’s thinking and legislating. The state could thus be shown to hinder and exercise malevolence, often around who controlled resources and communication, and for radicals and secularists this had to be exposed. Yet the state could also legislate favourably and accept the rights and responsibilities of its atheist citizens and itself be an enabling mechanism for the twentieth century’s Open Society. But the requirement for vigilance to protect such institutions and their capabilities was always a central part of the secularist agenda.

Carolyn Kosuch

Clashes, Competition and Common Goals: Italian Secularisms and the Liberal State

Introduction

The cover of the 2019 issue, number 3, of the Italian journal *L’Ateo* (‘The Atheist’; since 2020: *Nessun Dogma*, ‘No Dogma’), published by the *Unione degli Atei e degli Agnostici Razionalisti* (‘Union of Atheists and Rationalist Agnostics’ – UAAR)¹ shows a cleric with his mouth greedily open and his overlong tongue sticking out widely. (Figure 1)

Money is raining down from above into his hungry maw.² The chubby cleric shakes hands with someone who remains bodiless except for his hand and forearm, dressed in a suit jacket. With this image, the UAAR commemorated the ninetieth anniversary of the Lateran Treaty, a contract signed to resolve the so-called Roman Question and to put relations between church and state on a new footing.³

Part of this treaty criticised by *L’Ateo* and many other non-religious players in word and image involved compensating the Holy See for its losses of property and territory during the course of the Italian unification process. In addition, the treaty granted state independence to Vatican City, which opened up new political opportunities for the Holy See, both nationally and internationally. Finally, ca-

1 This chapter is partly based on my book *Die Abschaffung des Todes: Säkularistische Ewigkeiten vom 18. bis ins 21. Jahrhundert* (Frankfurt/Main: Campus, 2024). Unless otherwise stated, all translations are mine.

On the UAAR, see also the conclusion of this chapter.

2 The caricature on the cover of *L’Ateo* is reminiscent of anti-clerical caricatures published in Italy during the culture wars of the nineteenth century. See Manuel Borutta, “Anti-Catholicism and the Culture War in Risorgimento Italy,” in *The Risorgimento Revisited: Nationalism and Culture in Nineteenth-Century Italy*, edited by Lucy Riall and Silvana Patriarca (Basingstoke: Palgrave MacMillan, 2012), 191–213.

3 On the Lateran Treaty and the role of the Vatican State in twentieth-century international politics, see Maria d’Arienzo, “The Lateran Treaty and the Hermeneutics of the Holy See Neutrality: The Final Defeat of the Papal State and the Roman Question,” in *The Vatican and Permanent Neutrality*, edited by Marshall J. Breger and Herbert R. Reginbogen (Lanham: Lexington Books, 2022), 39–62. The Italian original of the contract can be consulted under “Patti Lateranensi,” Vatican State Archive, accessed 30 April 2023, https://www.vatican.va/roman_curia/secretariat_state/archivio/documents/rc_seg-st_19290211_patti-lateranensi_it.html. For the Lateran Treaty, see also the conclusion of this chapter.



Figure 1: Maurizio Di Bona, anti-clerical caricature on the front page of *L'Ateo* 3/2019 (124).⁴

tholicism was reaffirmed as the only legitimate state religion, while the church was once again granted special privileges within society. As the cover of *L'Ateo* suggests, the Lateran Treaty, signed in 1929 and revised only in the 1980s, is still a source of criticism for secularists today.⁵ Its effects and legacies remain an essen-

⁴ Reproduction of Di Bona's artwork from this chapter is prohibited.

⁵ Under the umbrella term 'secularists,' I summarise those freethinking, masonic, atheist, socialist, or anarchist individuals and groups who sought to actively fight religion in its institutions and beliefs, offering non-religious alternatives instead. Secularists, as I understand them, did not merely wish to privatise religious customs and beliefs but aimed to replace and ultimately abolish them. In practice, of course, such distinctions between secular and secularist attitudes are tentative. In their constant interplay with the religious, the secular and the secularist form an interwoven confessional compound with often fluid boundaries. However, in order to structure

tial part of the Italian non-religious mindset. This bundled criticism to be heard in Italy today, and the organisations that voice it, like the treaty of 1929, have a prehistory that goes back to the Italian nineteenth century with its culture wars between church, state and the emerging public sphere. It is this history that I will shed light on in the following.

Given that the centre of the catholic world is situated on the Italian peninsula, confessional and political struggles related to modern Italian nation-building during the second half of the nineteenth century seemed inevitable. Below, I will go beyond the duality of state and church by including larger parts of the Italian confessional field, more specifically, its secularist and jewish segments.⁶ Following on from Martin Papenheim's observations, it should be emphasised in advance that the culture wars in Italy and elsewhere were not fought along fixed battle lines. Rather, anti-clericalism, anti-catholicism,⁷ anti-materialism and anti-modernism clashed in ever-changing constellations with the church. The corresponding organisations forged at times stable and at others more fragile alliances with the state.⁸

To examine the interplay between state, church and secularists, in the first part of this chapter, I will consider some aspects of state-church relations in nineteenth-century Italy. Emphasis is placed on the liberal state with its secularising political agenda on the one hand and on the Catholic Church's responses to modernity on the other. Referring to these developments, Hubert Wolf has spoken of "the invention of

the confessional phenomena in the long nineteenth century more carefully, it is essential to work towards a differentiating terminology and to use it whenever the source situation so permits. The term 'secularists' originates from British history and differs in some respects (class, membership, female involvement) from the Italian case. Nonetheless, for lack of better alternatives, I transfer it to the Italian context. For conceptual considerations, see Edward Royle, *Radicals, Secularists, and Republicans: Popular Freethought in Britain, 1866–1915* (Oxford: Manchester University Press, 1980). See also José Casanova, "The Secular, Secularizations, Secularisms," in *Rethinking Secularism*, edited by Craig Calhoun, Mark Juergensmeyer and Jonathan van Antwerpen (Oxford: Oxford University Press, 2011), 154–174.

6 On the confessional field (discussed against a German background), see Todd Weir, "Säkularismus (Freireligiöse, Freidenker, Monisten, Ethiker, Humanisten)," in *Handbuch der Religionsgeschichte im deutschsprachigen Raum*, edited by Lucian Hölscher and Volkard Krech, vol. 6.2; 20. Jahrhundert: Religiöse Positionen und soziale Formationen (Paderborn: Schöningh, 2016), 189–218. Culture wars in Italy during the nineteenth century are thematised by Christiane Liermann, "Kulturkampf in Italien: Sonderfall unter Sonderfällen," in *Europäische Kulturkämpfe und ihre gegenwärtige Bedeutung*, edited by Ulrich Lappenküper (Paderborn: Schöningh, 2017), 67–95.

7 For differences between anti-clericalism and anti-Catholicism, see Borutta, "Anti-Catholicism and the Culture War," 191–192.

8 See Martin Papenheim, "Roma o morte: Culture Wars in Italy," in *Culture Wars: Secular-Catholic Conflict in Nineteenth-Century Europe*, edited by Wolfram Kaiser and Christopher Clark (Cambridge: Cambridge University Press, 2003), 208.

modern catholicism”.⁹ Such insights into the state-church interplay are an essential prerequisite for understanding the role and positioning of secularist groups and secularisms in the young Italian nation-state, along with their conflicts and coalitions.¹⁰ They will be considered more closely in the second part of this chapter. The third part then explores the state and its interactions with secularist ideas and positions. Particular attention is paid to education and cremation, a new mode of treating the dead that was closely tied to secularist concepts and agendas. To account for the diversity of secularisms, in the final part, the Jewish minority is addressed.¹¹ The basic argument I pursue in this chapter is that the state was indeed a confessional player, intertwined in many ways with the Italian confessional field of the time. State policies of secularisation sometimes came very close to the demands of the secularist side, even if the state did not openly advocate its own secularist agenda, as I will show below.

State-Church-Relations in the Second Half of Nineteenth-Century Italy

The power and influence of the Catholic Church in religious and social matters, and the territorial and administrative supremacy of the Pope over large parts of central Italy were realities both the Italian national movement and Italy’s non-catholic confessional players had to take into account. After having shown initial support for the national idea, Pius IX refused to back the Risorgimento after 1848/1849.¹² This lack of engagement and the continuing Catholic imprint on mentali-

⁹ Hubert Wolf, *Der Unfehlbare: Pius IX. und die Erfindung des Katholizismus im 19. Jahrhundert* (Munich: C.H. Beck, 2020).

¹⁰ On the heterogeneity of secularities, see Marian Burchardt and Monika Wohlrab-Sahr, “Multiple Secularities: Religion and Modernity in the Global Age,” *International Sociology* 28, no. 6 (2013): 605–611.

¹¹ On Italian Jewry in the long nineteenth century, see Ester Capuzzo, *Gli ebrei italiani dal Risorgimento alla scelta sionista* (Florence: Le Monnier, 2004) and the following considerations.

¹² On papacy and the development of the Catholic Church in the nineteenth century, see Wolf, *Der Unfehlbare*. Regarding the Italian State and Catholicism in the years of the Risorgimento, see Francesco Traniello, *Religione cattolica e stato nazionale: Dal Risorgimento al secondo dopoguerra* (Bologna: Il Mulino, 2007), 7–220. Catholic reactions to the national cause were, overall, much more nuanced. The vast majority of the citizens in the new state remained attached to Catholicism – notwithstanding the anti-clericalism and anti-Catholicism of leading figures of the national movement, Mazzini’s popular idea of a Third Rome of the people and regardless of anti-clerical motives being intrinsic to liberal Catholic culture itself. See also Guido Verucci, *L’Italia*

ties, everyday life, social relations, reading cultures and education, together with the absence of a longstanding common Italian historical tradition, rendered the formation of a transregional Italian civil society apart from catholic influence a challenge. Cooperation between the emerging secularist groups with their modest membership in the second half of the century was likewise complicated by this constellation.¹³

A first important step towards broader secularisation was marked by Napoleon's rule over large parts of the peninsula in the early nineteenth century. The Napoleonic Code had removed administrative, economic and infrastructural barriers also in Italy and restructured relations between state and church along the lines of the concordat, established in 1801.¹⁴ Several decades later, the influential Prime Minister of Piedmont-Sardinia, Camillo Benso, Count of Cavour, who had a solid calvinist-Genevan background, spoke French as his first language and became the first all-Italian Prime Minister in 1861, continued down this path. Cavour promoted a civil religion and held anti-clerical views that fed into his secular political agenda, which would later shape the entire Italian state.¹⁵ Despite this secular tendency, and despite religious tolerance being declared a constitutional principle that challenged catholic supremacy by including religious minorities in the legal framework, the first paragraph of the *Statuto Albertino*, the Constitution of the Kingdom of Piedmont-Sardinia (which turned into the Italian Constitution in 1861 and lasted until 1946) codified catholicism's status as the sole religion of the state.¹⁶

Rome joined the newly founded Kingdom of Italy only in 1871, after being captured by Italian national troops. This set an end to the Papal States which had existed for more than a millennium, and sealed the temporal rule of the Pope. The territorial struggles of these years resonated strongly in the socio-political sphere, where church and state fought for supremacy. Among the contested positions between the secular and the religious power in the young Italian nation-

laica prima e dopo l'unità, 1848–1876: Anticlericalismo, libero pensiero e ateismo nella società italiana (Rome: Laterza, 1981), 3–13.

¹³ See on these groups, their formation and policy, Verucci, *L'Italia laica*. The formation of the modern Italian civil society during the nineteenth century is discussed in Steven C. Soper, *Building a Civil Society: Associations, Public Life, and the Origins of Modern Italy* (Toronto: University of Toronto Press, 2013).

¹⁴ For the Napoleonic era in Italy, see Christopher Duggan, *The Force of Destiny: A History of Italy since 1796* (Boston: Houghton Mifflin, 2008), 3–68.

¹⁵ On Cavour and his politics, see Anthony Cardoza, "Cavour and Piedmont," in *Italy in the Nineteenth Century, 1796–1900*, edited by John A. Davis (Oxford: University Press, 2000), 108–131.

¹⁶ "Statuto Albertino," Portale Storico della Presidenza della Repubblica, accessed 30 April 2023, https://www.quirinale.it/allegati_statici/costituzione/Statutoalbertino.pdf.

state were ecclesiastical jurisdiction, the primate over marriages, the number of religious holidays, state curtailment of ecclesiastical property and the abolition of religious institutions, including religious orders. “In Italy, too, after 1850, liberals pursued an all-encompassing project of secularisation [. . .], radicals and positivists even argued for the disenchantment of society.”¹⁷ The basis for this secularising state policy in the young nation-state were the so-called Siccardi laws, which had been passed in Piedmont-Sardinia in 1850.

Relations between the state and the church then hit a new all-time low with the Casati (1859/1861) and Coppino (1877) laws.¹⁸ These two bodies of law secured the state’s prerogative in education, including state supervision of schools. In the curricula of public schools and universities, civic education and the natural sciences received a considerable boost, while religious education lost importance from 1870 onwards and was given an optional status.¹⁹ In 1873, all theological faculties were forced to close down. Civil marriage was introduced in 1865, followed by the laicisation of the oath formula in 1876.²⁰ The state also tried to take over in the area of welfare: in 1890, state social insurance was implemented. With the Sanitary Act of 1888, cremation became legal. This law, pushed forward mainly by the hygienist and freemason Luigi Pagliani²¹ under the prime ministership of Francesco Crispi of the Historical Left,²² fuelled an ongoing culture war over cemeter-

17 Manuel Borutta, *Antikatholizismus: Deutschland und Italien im Zeitalter der europäischen Kulturkämpfe*. (Göttingen: Vandenhoeck & Ruprecht, 2011), 326; 326–351 (on the general secularisation campaign in Italy in the second half of the nineteenth century).

18 Italian research tends to emphasise the religious aspects of the Risorgimento and stresses the Catholic contribution to national unification, while the interpretive framework of the culture wars is of lesser importance. See Liermann, “Kulturkampf in Italien.”

19 Even before these innovations in education, enlightened ideas, political reforms and scientific trends were present in Italian culture, not only among the aristocracy, but also advanced by certain catholic rulers within the catholic educational sector. In the second half of the nineteenth century, a more general shift in priorities under secularising auspices took place. See Duggan, *The Force of Destiny*, 144–152.

20 Alessandro Ferrari, “La politica ecclesiastica dell’Italia post-unitaria: Un modello post-Westphaliano,” *Rivista telematica: Stato, Chiesa e pluralismo confessionale* 7 (2013): 3, https://divbhqvg6ow083.cloudfront.net/contributi/a.ferrari_la_politicam.pdf, accessed 17 December 2023.

21 For Italian hygienists and their biopolitical mission, see Claudio Pogliano, “L’utopia igienista (1870–1920),” in *Storia d’Italia, Annali 7: Malattia e Medicina*, edited by Franco Della Peruta (Turin: Einaudi 1984), 589–631. On the hygienic paradigm and movement in transnational dimensions, see Philipp Sarasin and Brian Hanrahan, “The Body as Medium: Nineteenth-Century European Hygiene Discourse,” *Grey Room 29/New German Media Theory* (2007): 48–65.

22 For Crispi and the bourgeois, democratically oriented Italian Historical Left, which shaped politics and society from the 1870s to the 1910s with its ideas of secularisation and democratising educational, electoral and fiscal reforms, but also advanced colonial expansion, see Christopher

ies and related worldview debates concerning death and dying.²³ In this war, both the state and those organised in cremation societies, backed by freemasons, freethinkers and socialists, allied against the religious counterpart and its long-established sovereignty over the dead.²⁴

The Catholic Church responded to the threat posed to ecclesiastical territory by the Risorgimento and to the secularisation policies of the liberal state, which undermined the prerogatives of the church, with anti-liberal polemics and dogmatic rigidity. Modern catholicism, as it developed in the nineteenth century, centred on the figure of the Pope, who declared himself to be the tradition²⁵ and who stated his infallibility in matters of faith and morals. This catholicism was “more uniform, more centralised, and more ‘Roman’ than the eighteenth-century church had been.”²⁶ With the *Syllabus Errorum*, an appendix to the encyclical *Quanta Cura*, published in 1864, a direct attack was launched on secular and non-religious positions. It condemned philosophical concepts such as rationalism, political ideas including liberalism and socialism and religious views and positions, among them pantheism, religious freedom and the prerogative of the state in civil society. In addition, on the basis of the papal bull, *Non Expedit* (1874), political participation in the new state, whether in parties or elections, remained forbidden for catholics until 1919.²⁷

Another novelty of that time concerned the increasing importance assigned to the laity. The church turned to them and mobilised them, whether through an expanding market of catholic print media or through their inclusion in the growing sector of newly emerging catholic charities and social organisations. These were coordinated by the *Opera dei Congressi*, an umbrella organisation founded in 1874. It held catholic festivals, initiated pilgrimages, created opportunities for public engagement and bundled criticism against anti-catholic state policies.²⁸

Duggan, “Politics in the Era of Depretis and Crispi, 1870–96,” in *Italy in the Nineteenth Century, 1796–1900*, edited by John A. Davis (Oxford: Oxford University Press, 2000), 154–180.

23 Changes in the Italian culture of death and dying during the nineteenth century are taken up by Hannah Malone, “Secularisation, Anticlericalism and Cremation within Italian Cemeteries of the Nineteenth Century,” *Modern Italy* 19, no. 4 (2014): 385–403.

24 On this culture war fought over the dead, see Fulvio Conti, Anna Maria Isastia and Fiorenza Tarozzi, *La morte laica: Storia della cremazione in Italia (1880–1920)* (Turin: Scriptorium, 1998).

25 See Wolf, *Der Unfehlbare*, 11.

26 Christopher Clark, “The New Catholicism and the European Culture Wars,” in *Culture Wars: Secular-Catholic Conflict in Nineteenth Century Europe*, 11.

27 A concise overview of religious developments in Italy is provided in David Kertzer, “Religion and Society, 1789–1892,” in *Italy in the Nineteenth Century, 1796–1900*, edited by John A. Davis (Oxford: Oxford University Press, 2000), 181–205.

28 On the *Opera dei Congressi*, see John Pollard, *Catholicism in Modern Italy: Religion, Society and Politics since 1861* (London: Routledge, 2014), 6–68.

Ally of the State? Italian Secularisms and Education

Closely intertwined with these conflicts between the secular and the religious powers, Italian secularism, or rather secularisms, began to organise. Unlike catholicism, secularism in Italy remained a position held only by a minority. The heterogeneous Italian secularists were unified primarily by their rejection of the Catholic Church and their shared struggle against the catholic doctrine. They also collectively opposed the church's influence on society and its institutions, namely, schools, universities, career paths, charities and civil status.²⁹ To offer alternatives, Italian secularists campaigned for scientifically based, rational, materialist, but also humanist or civil-religious positions in politics and culture that went beyond mere anti-catholicism or anti-clericalism.³⁰

Secularisms in Italy organised in loose and dynamic groups that overlapped in terms of content and membership. As elsewhere, the proponents of non-religious worldviews in Italy were mostly male.³¹ Social and institutional places in which Italian secularisms surfaced included parties like the *Estrema Sinistra Storica*, founded by physician and freemason Agostino Bertani; socialist and anarchist milieus; cremation associations furthered by physician and freemason Gaetano Pini; Mazzini's and Garibaldi's circles³² and also academia, as the examples of hygienist and anthropologist Paolo Mantegazza and that of physiologist Jacob Moleschott indicate. Both of them held university chairs in Italy and both espoused non-religious views in their scientific and popular writings, and their pub-

²⁹ On secularists' common ground, see Verucci, *L'Italia laica*, 179–356.

³⁰ Todd Weir has distinguished two types of secularism: negative secularism, i.e. being 'against the church and religious beliefs,' and positive secularism, i.e. 'standing up for something and pursuing a distinct secularist agenda.' See Todd Weir, *Secularism and Religion in Nineteenth-Century Germany: The Rise of the Fourth Confession* (Cambridge: Cambridge University Press, 2014), 70; 84.

³¹ This male-centredness of the non-religious sphere was even more pronounced in catholic Italy than in protestant Britain, where women, at least to some extent, had a voice in secularist associations and – sometimes prominently – spoke up publicly for this worldview. See Laura Schwartz, *Infidel Feminism: Secularism, Religion and Women's Emancipation, England 1830–1914* (Manchester: Manchester University Press, 2017).

³² On Garibaldi's and Mazzini's anti-clericalism, see Laura Fournier-Finocchiaro, "Garibaldi and Mazzini: Anticlericalism, Laicism, and the Concept of a National Religion," in *Freethinkers in Europe: National and Transnational Secularities, 1789–1920s*, edited by Carolin Kosuch (Berlin: De Gruyter, 2020), 87–108.

lic engagements.³³ Most importantly, non-religious ideas developed in certain media. From the 1860s to the 1880s, Italian secularist discourse was dominated by Luigi Stefanoni's freethinking journal, *Il Libero Pensiero*, by the socialist paper, *La Plebe*, edited by Enrico Bignami, and also by masonic organs such as the *Rivista Massonica* and the *Almanacco del Libero Muratore*. It was precisely these media that fuelled the Italian culture war by taking up crucial subjects that also drove the state's policy of secularisation, namely, civil marriage, the promotion of natural sciences, a campaign for voting rights, for the introduction of cremation as an alternative to earth burial and a broad education initiative in schools and universities. Secularists writing for these periodicals also voiced their opinions on matters of worldview, reflected on secular morality, discussed the emancipation of women and disseminated the theory of evolution. Other focal points involved freedom of thought, a rational worldview based on scientific-materialist principles, the struggle against religious dogma and the spread of a civil religion in Mazzini's sense.³⁴

Due to their minority status and their close thematic entanglement, the various secularisms in the Kingdom of Italy also supported each other. On the one hand, this alliance was forged from the outside, since, for example, the widely read *Civiltà Cattolica*, published from 1850 onwards by a group of Neapolitan jesuits and regarded the anti-masonic and anti-liberal mouthpiece of the Pope,³⁵ created a unified secularist-political enemy image.³⁶ On the other hand, despite the sometimes overt competition and regardless of attempts to find distinct standpoints, secularists also defended and encouraged each other on a national and transnational level out of a genuine sense of solidarity.³⁷ Early on, for example,

33 On Mantegazza, see Carolin Kosuch, "Hygiene, Rasse und Zukunftstechnik: Paolo Mantegazza's Beiträge zur Italianità," *QFIAB* 97 (2017): 316–338. See on Moleschott, Costanza D'Elia, "Group Portrait with Freethinker: Jacob Moleschott, Risorgimento Culture, and the Italian Nation-Building Process," in *Freethinkers in Europe*, 109–130. For both scholars, see also the following.

34 For these topics and for an annotated selection of contributions to the *Libero Pensiero*, see Antonio De Lauri, *Scienza, laicità, democrazia: Il libero pensiero; giornale dei razionalisti, 1866–1876* (Milan: Biblion, 2014).

35 On the *Civiltà Cattolica*, see Francisco Dante, *Storia della «Civiltà Cattolica» (1850–1891): Il laboratorio del papa* (Rome: Edizioni Studium, 1990).

36 See, e.g., Anonym., "La guerra contro i morti," *Civiltà Cattolica* (1875): 415–430, an article polemicalising against cremation, secularism and liberalism. See also Anonym., "Gli scandagli della scienza nella immensità del creato," *Civiltà Cattolica* (1879): 664–677, which argues for the primacy of creation over science. For an anti-masonic and anti-liberal contribution, see Anonym., "La Massoneria e la Guerra," *Civiltà Cattolica* (1870): 529–539.

37 An example of transnational secularist solidarity is explored by Daniel Laqua, "Freethinkers, Anarchists and Francisco Ferrer: The Making of a Transnational Solidarity Campaign," *European Review of History* (2014): 467–484. On shared secularist projects, see Jeffrey Tyssens and Petri Mir-

freemasons promoted cremation in their writings, while publications by cremationists supported the last wish of Garibaldi, a freemason, for cremation³⁸ and joined in the polemics against the Roman Curia.³⁹ *Il Libero Pensiero*, for its part, popularised Mazzini's thought, reviewed socialist publications with sympathy, promoted cremation and sought alliance with religious minorities, especially when useful to its own agenda.⁴⁰

Conflicts in the confessional sphere thus occurred less between the different secularisms or between secularism and religious minorities than with the catholic side. In the course of these disputes both the Catholic Church and the non-religious players solidified their positions, defined their characteristics and fought bitterly over the prerogative over certain concepts and the overall discursive power in society, which both wished to shape according to their goals and convictions. In the Italian culture wars, what qualified as religious or non-religious was ultimately negotiated, and which of the two factions, at what time and in relation to what matter would hold the position of power was sounded out.⁴¹ The state with its policy of secularisation formed the backbone of these conflicts. It acted as a party in the confessional confrontations and teamed up with secularists and religious minorities.

The state's alliance with notorious secularists became particularly visible in the field of education. For this, as already noted briefly in this section, a fitting example is physiologist and leading proponent of scientific materialism, Jacob

ala, "Transnational Seculars: Belgium as an International Forum for Freethinkers and Freemasons in the Belle Époque," *Revue Belge de Philologie et d'Histoire* (2012): 1353–1372. On competition and cooperation in the secularist field, see Lisa Dittrich, "European Connections, Obstacles and the Search for a New Concept of Religion: The Freethinker Movement as an Example for Transnational Anti-Catholicism in the Second Half of the 19th Century," *Journal of Religious History*, Special Issue, *International Connections: Transnational Approaches to the History of Anti-Catholicism* 39 (2015): 261–279.

38 On freemasonry and cremation in Italy, notably in Rome, see Anna Maria Isastia, "La laicizzazione della morte a Roma: Cremazionisti e massoni tra Ottocento e Novecento," *Dimensione e problemi della ricerca storica* 2 (1998): 55–98.

39 See, e.g., Malachia De Cristoforis, ed., *Atti del quarto congresso della lega delle Società Italiane di Cremazione* (Milan: Tipografia L. Marchi, 1891), 50–57.

40 See Giambattista Demora, "Giuseppe Mazzini e i liberi pensatori d'Italia," *Il Libero pensiero*, 22 March 1866, 180–194; I. Golfarelli, "Sulla cremazione dei cadaveri," *Il Libero pensiero*, 13 July 1871, 20–25; Un Internazionale, "Lo spettro del socialismo," *Il Libero pensiero*, 1 February 1872, 71–102. On secularist solidarity with the forcedly baptised jewish boy Edgardo Mortara and on secularist campaigns directed against the Catholic Church and its policy, see D'Inc., "Un'altra infamia," *Il Libero pensiero*, 21 February 1867, 127–128.

41 These negotiation processes unfolded, to varying degrees, throughout Europe in the nineteenth century. For the German Empire, see Rebekka Habermas, ed., *Negotiating the Secular and the Religious in the German Empire: Transnational Approaches* (New York: Berghahn, 2019).

Moleschott, whose famous work *Der Kreislauf des Lebens* ('The Cycle of Life', 1852) was translated into Italian by Cesare Lombroso, one of his students.⁴² Moleschott, a Dutchman, had been threatened by the Baden government with expulsion from the University of Heidelberg because of his atheistic convictions, a threat he believed was "incited by clerics."⁴³ During his Swiss exile, the Italian Commissioner of Education, Francesco de Sanctis, had paid him a visit. De Sanctis then offered Moleschott a chair of physiology at the University of Turin to be set up exclusively for him.⁴⁴ Liberal forces in Italy actively recruited renowned secularist scholars or provided chairs for those already in Italy in order to reform the educational landscape, which had been dominated by religious forces prior to the Risorgimento.

Moleschott's work was truly secularist: his *Cycle of Life* told the story of matter defining the physical world in a process of formation and decay. The book's underlying concept rejected any notion of transcendence, dualism, soul, god or the afterlife. Every expression of life, Moleschott argued, would be determined by matter. Central to his thinking was nutrition: if it was sufficient, he considered it an essential element of progress; if it was lacking, it would result in weak brain activity, poverty and consequently prevent the full development of human potential.⁴⁵ Moleschott also expressed philosemitic views, took an interest in politics and served as a senator in the Kingdom of Italy, where he campaigned for women's rights, amongst other issues.

Among those who held materialist and evolutionist views in Italy, and who were given chairs in the young Italian nation-state, was also Paolo Mantegazza. He authored a variety of scientific and popular-scientific writings that were translated into several languages during his lifetime and attracted a broader readership. This oeuvre testified to the comprehensive educational mission he pursued.⁴⁶ The science fiction book *L'anno 3000: Sogno* ('The Year 3000: A Dream'), published in 1897, served this goal in a particular way. Its plot wrapped in fiction the perspectives of a nineteenth-century scientist, hygienist and secularist, who, as a child of his time,

42 On Moleschott's life and work, see Laura Meneghello, *Jacob Moleschott: A Transnational Biography* (Bielefeld: transcript, 2017).

43 Moleschott's original German expression carried a more pejorative anti-clerical tone. He spoke of *Pfaffenseelen*. Jacob Moleschott, *Licht und Leben: Rede beim Antritt des öffentlichen Lehramts zur Erforschung der Natur des Menschen an der Züricher Hochschule* (Frankfurt/Main: Meidinger, 1856), Dedication.

44 See D'Elia, "Group Portrait with Freethinker."

45 For Moleschott's nutritional concepts, see Claus Spenninger, *Stoff für Konflikt: Fortschrittsdenken und Religionskritik im naturwissenschaftlichen Materialismus des 19. Jahrhunderts, 1847–1881* (Göttingen: Vandenhoeck & Ruprecht, 2021), 77–88.

46 See Kosuch, "Hygiene, Rasse und Zukunftstechnik."

did not shy away from also expressing misogynistic and racial thoughts. In this novel, it is natural scientists who run society.⁴⁷ Everyday life is governed by rationalism, scientific innovation, technology and worldview plurality. The Catholic Church has been abolished, while a shared civil morality ensures people's happiness and prosperity. With such publications, anthropologist and physician Mantegazza, who held the first Italian chair of anthropology in Florence, contributed to the spread of secularist ideas. This also counts for almanacs instructing their readers how to live a life according to hygienic principles and novels telling eugenic stories to a wider audience.⁴⁸ In general, for Mantegazza, it seemed only a matter of time that problems of his modern secular age, including alcoholism, suicide and a lack of happiness that he diagnosed among his contemporaries, would be overcome. In the present situation, pessimism and nervousness would prevail – “passing states”⁴⁹ necessary on the way to progress that could be cured, he argued, by proper education in the schools of the future and by implementing a morality based on true positivism.⁵⁰

A third in this line of Italian scientists pursuing such concepts was research traveller and professor of anatomy Filippo De Filippi, who taught at the university of Turin and authored numerous publications. De Filippi's interests ranged widely from anatomy to zoology to geology. His *L'Uomo e le Scimmie* ('Man and Apes', 1864), a book that popularized Darwin's ideas from the 1860s onwards, met with a lively but also controversial response.⁵¹ De Filippi himself avoided overt secularism and declared Darwinism compatible with christianity: “Will the origin of man be less divine when the biblical turf is turned into the entire organic formation?”⁵² he asked rhetorically in this book. Despite such commitments to scientific neutrality, his teachings fell on fertile secularist ground, as evidenced by articles in the Italian freethinker press, which defended De Filippi against jesuit misappropriation and interpreted his findings for their purposes.⁵³

Secularist media regularly brought out publications on educational matters. The main interest of masonic releases, for example, concerned the education of women, in order to provide them with tools and skills that would enable them to

47 See Paolo Mantegazza, *L'anno 3000 – sogno* (Milan: Fratelli Treves, 1897).

48 See, e.g., Paolo Mantegazza, *Igiene della cucina* (Milan: Brigola, 1871) and Paolo Mantegazza, *Un giorno a Madera: Una pagina dell'igiene d'amore* (Milan: Treves, 1874).

49 Paolo Mantegazza, *Il secolo nervosico* (Pordenone: Edizione Studio Tesi, [1887] 1995), 73.

50 See Mantegazza, *Il secolo*, 70–71, 81, 101–102.

51 The reception of darwinism in Italy is studied by Giuliano Pancaldi, *Darwin in Italy: Science across Cultural Frontiers* (Bloomington: Indiana University Press, 1991).

52 Filippo De Filippi, *L'uomo e le scimmie: Lezione pubblica* (Milan: G. Daelli e comp., 1864), 68.

53 See, e.g., Mauro Macchi, “Non è possibile”, *Il Libero Pensiero*, 4 April 1867, 221–222.

become independent of both the Catholic Church and priests. In this way, the bond with the religious opponent, to whom women seemed particularly close, should be loosened.⁵⁴ Through scientific training in practical life matters such as nutrition, domestic hygiene, household management and the promotion of civic virtues – in other words, through a secularist civic women’s formation – these ‘new’ women, in the vision of the male secularists who developed this educational programme, were to advance their families. They were also to become better educators for their children, who, through this kind of domestic upbringing, were expected to develop into good citizens and proper human beings. All this the masonic press presented as an urgent task of the modern age.⁵⁵

Education was also a central concern in the Italian freethinker press. Topics taken up included moral and civic education, the removal of priestly influence, monastic ideals and the Catholic Church’s so called “antisocial institutions.”⁵⁶ Instead, a family-based model of procreation was prioritised. The freethinker press, too, put special emphasis on the “rational education of woman,”⁵⁷ while dismissing theology as a “product of human imagination.”⁵⁸ What remained uncontested was the inevitability of the laws of nature and the supremacy of materialism.⁵⁹ Jacob Moleschott regularly appeared in this press organ with quotes, references and his own contributions, (Figure 2) as did other contemporary freethinkers such as Büchner, materialists like Vogt and prominent critics of religion of all times.

The editors welcomed the completion of De Boni’s, Macchi’s and Miron’s historical and critical reflections on rationalism taken up in this journal by Moleschott’s positivist-scientific and experimental interpretation of this philosophy.

Catholic publications vehemently opposed such secularist theories and concepts which flourished in the second half of the nineteenth century. Again, it was the *Civiltà Cattolica* that set the tone in anti-secularist discourse. The journal thematised and defended the concept of an immortal human soul, of revelation, the existence of god, the resurrection, and the sanctity of the church and its institutions. Subsequent issues commented negatively on positivism, materialism, evolutionism, the secularisation of cemeteries and cremation. Next to media like the *Rivista Antimassonica* and the daily *Osservatore Romano*, which since 1861 made

54 See T. Campanati, “La donna: Causa di barbarie e di civiltà,” *Rivista Massonica* (1871), 158–159; O. Faust, “La donna e l’istruzione professionale,” *Almanacco del Libero Muratore* (1872), 59–68. These publications carry both anti-clerical and misogynist undertones.

55 See Cesare Prandi, “L’educazione della donna,” *Rivista Massonica* (1877): 290–299.

56 Anonym., “L’individuo e la famiglia nel comune,” *Il Libero Pensiero*, 20 October 1870, 253.

57 E., “Educazione razionale della donna,” *Il Libero Pensiero*, 5 July 1866, 433–437.

58 F. Turotti, “Fiammiferi illuminanti senza fuoco,” *Il Libero Pensiero*, 1 November 1873, 374.

59 See Turotti, “Fiammiferi,” 372–377.

I L

LIBERO PENSIERO

Giornale dei Razionalisti

Siamo lieti di annunciare ai nostri lettori che l'egregio professore all'università di Torino JAC. MOLESCHOTT, al quale, sulla relazione dell'onorevole Macchi, la Camera conferiva, non ha guari, i diritti di cittadinanza italiana, incominciando da oggi, entra nel novero dei collaboratori del *Libero Pensiero*.

Per tal modo, come il razionalismo era già valentemente rappresentato nella parte storica e critica da DE BONI, MACCHI e MIRON, avrà ora, anche nelle parti che strettamente lo collegano alle scienze positive e sperimentali, il suo degno rappresentante. La Direzione non può che rallegrarsi di questo primo tentativo d'unione, destinato a sempre più cementare e rendere durevole l'edificio della nuova filosofia.

Figure 2: *Il Libero Pensiero*, 26 July 1866, 465. Announcement of Moleschott's renewed collaboration with *Il Libero Pensiero*.

public official positions of the Holy See on contemporary questions,⁶⁰ it was above all the *Civiltà Cattolica* polemicising against the “god-like state”⁶¹ liberals would believe in. The journal accused state liberalism of tyrannising society with its rejection of both god and moral law and criticised it for its self-absolutisation in society.⁶²

What stands out when reading through these publications is the intimate knowledge the authors possessed of secularist and scientific writings. By receiving and discussing such publications they, too, participated in the scientification of education. Scientific methods and ideas promoted both by the state and its edu-

⁶⁰ See, e.g., Anonym., “La cremazione e i protestanti,” *Osservatore Romano*, 22 April 1885.

⁶¹ Anonym., “Rivista della stampa,” *Civiltà Cattolica* (1870): 182.

⁶² See Anonym., “Il due internazionali,” *Civiltà Cattolica* (1872): 367–368.

cational policies and by secularists were thus not alien to the catholic discourse. Rather, it was about different interpretations within a modern science-based approach shared by all confessional players.

Cremation: A Secularist Project Supported by the State

Legislation also proved very favourable to secularist positions with regard to cremation. Throughout the later nineteenth century, the cremation of the human body and storage of the ashes in an urn in communal cemeteries were subjects extensively discussed not only in the Kingdom of Italy, but also in the United States and in various European countries such as the German Empire, France or Switzerland.⁶³ To those in favour of this method, cremation seemed a hygienic, space-saving, modern, civilised and aesthetic way of dealing with the deceased. They also considered cremation a means of breaking catholicism's supremacy over the dead, replacing it with a civic culture of burial and commemoration yet to be established in the new state and its civil society. As a sanitary project, cremation was promoted by Italian physicians and hygienists – some of them free-masons or radical republicans – at scientific congresses and in publications.⁶⁴ Considerable support for the new practice also came from masonic and freethinking circles. The *Rivista Massonica*, for example, frequently reported on the progress of the cremation movement and advertised its congresses and organisations. It also reprinted, “with keen pleasure”⁶⁵ and with anti-clerical side blows, reports from other newspapers on the “religion of the urns, a religion of sentiments and of love to commemorate the deceased, heartfelt, and without ostentatious or medieval appearances.”⁶⁶ Wrapped up in its campaign for cremation, *Il Libero Pensiero* expressed similar anti-catholic views.⁶⁷

The hygienist, liberal and secularist advocates of cremation benefitted from earlier attempts to reintroduce the incineration of the dead in modern times dur-

⁶³ For general information on the history and phenomenology of cremation worldwide, see Douglas J. Davies and Lewis H. Mates, ed., *Encyclopedia of Cremation* (Aldershot: Ashgate, 2005).

⁶⁴ See Fulvio Conti, “Aspetti culturali e dimensione associativa,” in Conti, Isastia and Tarozzi, *La morte laica*, 3–25.

⁶⁵ Anonym., “La cremazione a Firenze,” *Rivista Massonica* (1891), 251.

⁶⁶ Anonym., “La cremazione,” 251.

⁶⁷ See I. Golfarelli, “Sulla cremazione dei cadaveri,” *Il Libero Pensiero*, July 13, 1871, 20–25.

ing the French Revolution.⁶⁸ French writings on the subject from the late eighteenth and early nineteenth centuries found an echo among cremationists in Italy in the second half of the nineteenth century.⁶⁹ In order to establish a foundation for their preferred method of dealing with the dead body that would be a match for the centuries-old christian tradition of earth burial, modern cremationists invoked Roman and Greek antiquity in particular, and referred to other historical and to contemporary cremation traditions around the world.⁷⁰

In the 1870s, first cremation societies emerged, especially in Northern Italy.⁷¹ They also promoted communal cemeteries and civil burial ceremonies. It was due to their initiative that first crematories were built in Italy. The one inaugurated in 1876 at Milan's Cimitero Maggiore was the first modern crematory in Europe operating on a regular basis. It was supervised by local municipal authorities and the region's sanitary council.⁷² Led by Milanese patriot, physician, hygienist, member of the temperance movement, freemason and senator of the Kingdom of Italy Malachia De Cristoforis,⁷³ Italy's cremation movement met with and benefited from various legislative initiatives. Republicans like Agostino Bertani, Risorgimento activist, Minister of the Interior and, later, Prime Minister of the Kingdom of Italy, Francesco Crispi, physicians, hygienists and politicians such as Carlo Maggiorani or the Mazzinist and promoter of women's emancipation, Salvatore Morelli, ensured that politics took up the subject of cremation and placed it in a "secular tradition."⁷⁴

As mentioned earlier, cremation in newly established Italian communal cemeteries was first regulated by law in 1888. Article 59 of the respective code stated:

Cremation of corpses must be carried out in crematories approved by the provincial physician. Municipalities shall always provide the space required for the construction of crematories in cemeteries free of charge. Urns containing the residues of the successfully performed cremation may be placed in cemeteries, in chapels or temples of state-recognised organisa-

68 See Marina Sozzi and Charles Porset, *Il sonno e la memoria: Idee della morte e politiche funerarie nella Rivoluzione francese* (Turin: Paravia, 1999).

69 See, e.g., Gaetano Pini, "La cremazione dei cadaveri," *Rivista Massonica* (1876): 6–16.

70 See Vincenzo Grossi, *La cremazione nell'antichità storica e preistorica* (Milan: Carlo Aliprandi, 1899).

71 See Conti, "Aspetti culturali."

72 See Carolin Kosuch, "The Rediscovery of Cremation in Italy and Germany," *The Freethinker*, 15 November 2022, <https://freethinker.co.uk/2022/11/the-rediscovery-of-cremation-in-italy-and-germany/>, accessed 30 April 2023.

73 On De Cristoforis, see Annalucia Messina, *Malachia De Cristoforis: Un medico democratico nell'Italia liberale* (Milan: F. Angeli, 2003).

74 Fiorenza Tarozzi, "Il rapporto centro/periferia nel dibattito istituzionale," in Conti, Isastia and Tarozzi, *La morte laica*, 134.

tions or in private columbaria with a permanent destination in such a way as to prevent any desecration.⁷⁵

In 1892, cremation was further detailed by a law the regulatory authorities had worked out and approved. It laid down fees and provisions for transport but also left room for the individual needs of municipalities and cremation societies.⁷⁶ Even though the path towards this legalisation meandered between respect for the catholic majority and its beliefs, on the one hand, and the vision of a secular or even secularist and hygienic future on the other, these laws consolidated the supremacy of national, regional and local politics and public health officials over cemeteries, sanitation and funerals.⁷⁷ Institutions serving the public, such as the Supreme Sanitary Council, were to be composed of physicians, engineers, natural scientists, chemists, veterinarians, pharmacists and administrative and legal experts appointed by the Minister of the Interior. Religious experts had no say in this governmental-administrative-medical-scientific alliance. Because renowned secularists such as Moleschott opted for this mode of treating his mortal remains, cremation became even further codified in secularist terms. His funeral service was arranged by colleagues and companions in a ceremony free from any religious reference. The ashes were placed in the non-catholic section of the Cimitero Verano in Rome.⁷⁸

When compared to other European countries, the Kingdom of Italy was one of the early adopters of cremation. While France, Sweden, and Switzerland legalised the incineration of the dead around the same time as the Kingdom of Italy, Britain and Prussia did not allow the new method until 1902 and 1911, respectively, although the first cremations in Great Britain were carried out prior to this on the basis of special permissions. The first Austrian crematory operated in 1922. In Greece, cremation has only been legal since 2006.⁷⁹ On the catholic side, cremation remained forbidden for catholics until 1965. This prolonged the culture war over the dead well into the second half of the twentieth century. During the long

75 “Legge 22 Dicembre 1888”, Normattiva, accessed 30 April 2023, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1888-12-22;5849!vig=1891-11-18>.

76 See Tarozzi, “Il rapporto,” 147–148, 170.

77 Already during Napoleon’s rule over large parts of the Italian peninsula, his *Décret Impérial sur les Sépultures* (1804) had prohibited burials in churches and churchyards and ordered them to take place outside settlements in newly established cemeteries. The legislation of the new Italian State picked up on these developments. For Italian cemeteries in the nineteenth century, see Hannah Malone, *Architecture, Death and Nationhood: The Monumental Cemeteries of Nineteenth-Century Italy* (London: Routledge, 2017), 35–36 (on Napoleon’s law).

78 See Meneghello, *Moleschott*, 434.

79 See the chronology in Davies and Mates, ed., *Encyclopedia*, 457–473.

nineteenth century, catholic press organs polemicised fiercely against cremation, which they regarded as a symbol of the despised secular worldview and a sign of the state's unwelcome policy of secularisation. Such campaigns against cremation centred on the so-called “war against the dead”⁸⁰ threatening the salvation of the deceased and violating any form of culture. The cremationists, for their part, resorted to scientific materialism: in their view, cremation enabled the rapid reintegration of bodily building blocks into the cycle of life described by Moleschott and others.⁸¹ As this section has illustrated, the state, with its legislation, sided with the secularists. For some Italian politicians, and for many secularists, cremation symbolised modernity. By implementing this practise and the related technology in Italy, they hoped to counteract the prejudice of living in a supposedly backward Southern country compared to the more industrialised European societies.⁸² Since cremation was discussed and practised mainly in the North of Italy, this spatial focus further nourished stereotypes established during the Risorgimento of an underdeveloped, reactionary and superstitious South and a progressive, rational and modern North.⁸³

Religious Minorities, Secularism and the State: The Jewish Case

It should not come as a surprise that the culture wars between the leading religious and the secular(ist) parties in nineteenth-century Italy also affected the religious minorities on the peninsula. In addition to the small protestant community,⁸⁴ this

⁸⁰ Anonym., “La guerra contro i morti,” *Civiltà Cattolica* (1875): 415–430.

⁸¹ See, e.g., Guglielmo Funaro, “La cremazione,” *Rivista Massonica* (1906): 236–247. See also Silvestro Zinno, *Discorso sulla inumazione, imbalsamazione e cremazione dei cadaveri* (Naples: Tip. Giovanni di Majo, 1873).

⁸² Such was, for example, the reasoning of Paolo Gorini, who invented one of the first crematories in use inside and outside of Italy. Paolo Gorini, *La conservazione della salma di Giuseppe Mazzini: Notizie fornite* (Genoa: Tipografia del R. Istituto Sordo-muti, 1873).

⁸³ For a short introduction to this, see Marco Meriggi, “Legitimism, Liberalism and Nationalism: The Nature of the Relationship between North and South in Italian Unification,” *Modern Italy* 19, no. 1 (2014): 69–79.

⁸⁴ Before unification, protestantism in Italy consisted mainly of Calvinist-influenced Waldensians who settled in the Alpine valleys of Northern Italy. Protestantism was considered ‘foreign’ to Italy and was successfully fought by the Catholic Church. Only after the formation of the nation state did Lutherans, Methodists, and others start their missionary work. See Kertzer, “Religion and Society,” 201. In 1861, about 32,000 protestants were living in the whole of Italy.

applied especially to the jewish minority. While the *Statuto Albertino* of 1848 in Piedmont-Sardinia and from 1861 in the entire Kingdom of Italy had granted legal and political equality to all citizens regardless of their faith, the Legge Rattazzi of 1857 foresaw special regulations for jews.⁸⁵ Catholics and protestants were treated according to general civil law, whereas the jewish community upheld its corporate organisational structure protected by the state. This enabled them, amongst others, to levy taxes.⁸⁶ It was members of the *Sinistra Storica*, notably Rattazzi, who had supported the demands of Piedmonts jewry for autonomy in religious matters, after heated political debates in parliament about what should be prioritised: the equality of all citizens or the freedom and self-determination of certain parts of society.⁸⁷ Since the liberal state had fully emancipated Italian jewry, facilitated general jewish participation in politics, society and economy, and also granted a certain degree of autonomy, it was held in high esteem by jewish citizens.⁸⁸

By mid-century, about 40,000 jews lived in Italy, most of them in the north and centre of the peninsula.⁸⁹ Many had actively supported the Risorgimento since the late 1850s and welcomed the founding of the nation-state; a majority received emancipation positively.⁹⁰ In the new state, jews occupied leading academic, political and military positions. More than 100 jewish members of parliament and the senate contributed to the formation and consolidation of the new state until the First World War. In 1912, with Luigi Luzzatti, Italy had a jewish Prime Minister and from 1902 to 1903, the jewish-Italian, Giuseppe Ottolenghi, served as Minister of Defence.⁹¹

85 Stefania Dazzetti, “La legge organica per le Università israelitiche piemontesi del 1857: Il dibattito e le scelte del Parlamento subalpino,” *Rivista telematica* 1 (January 2023).

86 Judaism in Tuscany, Lombardy, Veneto, and other regions was organised differently, based on voluntary community membership. It was only under the fascist *Legge Falco* of 1930/1931 that legislation concerning Italy’s jewish communities was unified. See Tullia Catalan, “Juden und Judentum in Italien von 1848 bis 1918,” in *Denn in Italien haben sich die Dinge anders abgespielt: Judentum und Antisemitismus im modernen Italien*, edited by Gudrun Jäger and Liana Novelli-Glaab (Berlin: Trafo, 2007), 83.

87 See Dazzetti, “La legge organica.”

88 On the process of jewish emancipation and the history of jewry in nineteenth-century Italy, see Elizabeth Schächter, *The Jews of Italy, 1848–1915: Between Tradition and Transformation* (London/Portland: Vallentine Mitchell, 2010).

89 See Catalan, “Juden und Judentum,” 71–86.

90 For a discussion of different approaches towards emancipation, see Andrew M. Canepa, “Emancipation and Jewish Response in Mid-Nineteenth-Century Italy,” *European History Quarterly* 16 (1986): 403–439.

91 On Italian jewry and the social acceptance of jews in the liberal Italian State, see Martin Baummeister, “Ebrei fortunati? Juden in Italien zwischen Risorgimento und Faschismus,” in *Italien*,

Emancipation and the prospect (and also the necessity) of acculturation confronted Italian Jewry with a new situation. Civil equality and citizenship required each Jewish individual and the communities in which they lived to redefine what being Jewish would mean from now on in a society of equals in which religion had been rendered a more or less private matter. Newly founded Jewish media such as the Trieste-based *Corriere Israelitico*, which towards the end of the century adopted more Zionist positions, and the Piedmontese *Vessillo Israelitico*, which tended towards reform and acculturation, provided public platforms for the negotiation of such questions.⁹² Italian Jews also joined Masonic lodges. This resulted partly from a civic consciousness but also because anti-Semitism held as firm a place in certain Catholic media and in parts of Catholic culture as anti-Masonry did.⁹³ Given this, secularists' anti-clericalism and anti-Catholicism in a way also functioned as a protective shield against such smouldering anti-Semitic threats.⁹⁴

A closer look into the Italian Jewish press of the second half of the century reveals that Jewish media constantly reflected upon topics related to Jewish life in its increasing confrontation and intermingling with the Christian everyday culture of the majority.⁹⁵ These included mixed marriages, dietary regulations, circumcision or the observance of the *shabbat* in a Christian society with a different festival order. As part of this thematic choice, Jewish press organs also addressed subjects, concepts and values promoted by both the liberal state and secularists. Almost in passing, they were turned into Jewish concerns, too. This was true of liberal and secularist notions such as 'progress', especially of the Italian nation and Italian civil society, which the *Corriere Israelitico* urged Jewish citizens to foster to the best of their ability as allies of their Italian brethren.⁹⁶ The term 'hygiene' likewise received attention in Jewish media, a concept that, as discussed earlier, served as a paradigm for both the state's sanitary policy and the secularist cremation campaign. Against this backdrop, the *Vessillo Israelitico* proclaimed a

Blicke: Neue Perspektiven der italienischen Geschichte des 19. und 20. Jahrhunderts, edited by Petra Terhoeven (Göttingen: Vandenhoeck & Ruprecht, 2010), 43–60.

⁹² Next to other contributors, rabbis also published in these journals. This way, their interpretation of Jewish law was brought before a wider circle of readers. These rabbis represented different Italian rabbinical schools.

⁹³ See Jose David Lebovitch Dahl, "The Role of the Roman Catholic Church in the Formation of Modern Anti-Semitism: La Civiltà Cattolica, 1850–1879," *Modern Judaism* 23, no. 3 (2003): 180–197.

⁹⁴ See Catalan, "Juden und Judentum," 82.

⁹⁵ On Jewish identity in the new state, see Carlotta Ferrara degli Uberti, *Fare gli ebrei italiani: Autorappresentazioni di una minoranza (1861–1918)* (Bologna: Il Mulino, 2011).

⁹⁶ See Nicola Antipapa, "La causa d'Israele propugnata da un cristiano," *Il Corriere Israelitico* (1864): 38.

general jewish hygienic “physical and moral”⁹⁷ resilience that had always been the prerequisite for any jewish coexistence with other peoples. Finally, these journals embraced rationalism, civic education, welfare and morality as essential to jewish tradition and life. Some contributions even asserted the compatibility of jewish religion with darwinism.⁹⁸ By connecting political-liberal (and certain secularist) themes to a liberal interpretation of judaism, these media sought to ally the jewish minority with the state (and inevitably, to some extent, with the secularists). In this way, the contributors to these journals tried to refrain from getting caught in the pitfalls of a culture war. Instead, they presented judaism as already secular and modern enough to make a significant contribution to the secular national future.

In the decades following unification, cremation in particular was a significant concern not only for these media but also for jewish religious authorities, as rabbinic tractates published on this subject indicate. While the influential Livornese rabbi and kabbalist Elia Benamozegh rejected any potential acceleration of bodily decomposition as contrary to the kabbalistic principle of Gilgul, the cycle of reincarnation, and many non-kabbalistic rabbis were also rather critical or hesitant towards cremation,⁹⁹ a minority of rabbis such as Vittorio Castiglioni or Moischè Tedeschi expressed positive opinions about this practice. To them, cremation seemed by no means incompatible with jewish traditions. Judaism, they maintained in their written statements, had always welcomed progress and new developments. In their view, cremation made no exception to this.¹⁰⁰

In light of this, some jews went even further already in the nineteenth century and decided to have their mortal remains cremated.¹⁰¹ This decision was a sign of their successful emancipation and acculturation. But unlike secularists with a christian-catholic background, cremation or the acceptance of other secularist concepts in the jewish case did not necessarily indicate a rejection of the jewish faith. Often, it was rather a gesture of appreciation towards the state and its policies that had granted them rights and offered them a hopeful perspective for the future after centuries of anti-jewish legislation. Thus, “forms of secularism

97 Anonym., “A proposito dell’igiene e delle malattie negli ebrei,” *Il Vessillo Israelitico* (1891): 329.

98 See Anonym., “La Bibbia e il Darwinismo,” *Il Vessillo Israelitico* (1892): 69–70.

99 On rabbinical controversies in nineteenth-century Italy, see Carolin Kosuch, “Zwischen Gesetz und Technik: Die Feuerbestattungsfrage des 19. Jahrhunderts als Prisma italienisch-jüdischer Selbstverortung,” in *Technologien des Glaubens: Schubkräfte zwischen technologischen Entwicklungen und religiösen Diskursen*, edited by Klaus Tanner et al., *Acta Historica Leopoldina* 71 (2017): 155–171.

100 See Kosuch, “Zwischen Gesetz und Technik,” 166.

101 For a statistical overview, see Conti, “Aspetti culturali,” 93 (between 1876–1910, 1,298 catholics, 83 jews and 76 protestants chose to be cremated in Italy).

and Jewishness could go hand in hand for Italian Jews.”¹⁰² Still, the cremations of prominent Jewish Italians, such as the long-time chief rabbi of Trieste, later of Rome, Castiglioni,¹⁰³ or the former Roman mayor, Ernesto Nathan, were always a sensation.

Having developed against a Christian background in the second half of the nineteenth century, secularism hence also resonated, was accepted and continued to be furthered by the Jewish minority, without, however, necessarily reflecting non-religious attitudes.

Conclusion

As this chapter has shown, the liberal Italian state of the nineteenth century, with its policy of secularisation, intertwined profoundly with the confessional field. Competition and a long-lasting culture war arose primarily with Catholicism and its institutions. They had dominated society and politics of the Italian peninsula before the Risorgimento and continued to play an important role in people's lives. The other confessional players – representatives of secularism and religious minorities, especially the Jewish one, which has been discussed in more detail in this chapter – leaned towards the liberal state but also towards each other. Some liberal Jews supported certain practices promoted by secularists, such as cremation, while secularist media reported with sympathy about religious minorities. However, this strategic alliance could not hide from the fact that the anti-clerical and anti-religious rhetoric employed by secularist media sometimes also targeted certain rabbis or the prophets of the Torah.¹⁰⁴ As argued in this chapter, Jewish approval of secularist ideas or practices indicated no general Jewish tendency towards secularist positions. Most Italian Jewry (like Jews elsewhere in Europe in the course of emancipation and acculturation) led outwardly proactive and engaged lives supportive of the state and its society to which they belonged. Their Judaism turned inwards and had its place in families, also in social relations or in certain areas of culture. It did not disappear, it changed.¹⁰⁵

102 Luisa Levi D'Ancona Modena, “Prospero Moisè Loria: A Case Study of Jewish Secularism in Liberal Italy,” *Jewish History* 31 (2018): 265. Loria is an example of Jewish secularist engagement and philanthropy without abandoning Judaism.

103 See David Gianfranco Di Segni, “I rabbini di Roma nell'Ottocento e agli inizi del Novecento,” in *Ebrei a Roma tra Risorgimento ed emancipazione (1814–1914)*, edited by Claudio Procaccia (Rome: Gangemi, 2014), 155–159.

104 See Gino Lafesti, “I profeti,” *Il Libero Pensiero*, 1 February 1866, 68–70.

105 See Capuzzo, *Gli ebrei*, 82.

Despite the codification of catholicism as the state religion in the *Statuto Albertino* and without propagating a secularist worldview of its own but, rather, a strict separation of church and state as the stick and the continued existence of a “purified, [. . .] more free”¹⁰⁶ church in the new nation state as the carrot, the state’s secularisation policy still met central secularist demands and positions. Among them, as has been shown, were the replacement of religious by a civic, science-based education, the provision of legal means to freely choose cremation, or the goal to establish a society based on shared values like civic morality, hygiene and the family conceived as the nucleus of the national community.

Compared to citizens who belonged to a religious community, the status of atheists or those who did not wish to be part of any denomination was rather precarious. In the nineteenth and also the twentieth centuries, these individuals were discriminated against. In the case of imprisonment, for example, they had to attend catholic religious services, which were thought to benefit their moral re-education. Under the fascist regime, catholicism was deemed the morally ordering backbone of the country. This disqualified those who did not belong to any denomination as morally suspect insurgents.¹⁰⁷ To follow on from the observations in the introduction to this chapter and to consider from a *longue durée* perspective the complex relationships analysed above: from 1929, with the Lateran Treaty, marriages once again fell under the prerogative of the church, religious instruction was reintroduced in schools and blasphemy once again became a punishable offence.¹⁰⁸ The republican constitution of 1947, then, provided for religious freedom and free exercise of religion within the legal framework. Since 1979, this encompasses the right to be agnostic or atheist and not to belong to any denomination (Article 19). Meanwhile, the practical implications for the non-religious side were and are a matter of negotiation in a culture that is still predominantly catholic.¹⁰⁹ Agreements have been reached bilaterally, in accordance with the constitution (Article 8), between the state and religious actors in the confessional field,¹¹⁰ not with the non-religious

106 Camillo Conte di Cavour, “Count Cavour’s Speech on the Roman Question,” *New York Times*, 21 April 1861, 3.

107 See “Ateismo e legislazione italiana,” UAAR, <https://www.uaar.it/laicita/ateismo-legislazione-italiana/>, accessed 30 April 2023.

108 The Lateran Treaty did not lead to a complete reconsecration. It made major concessions to the Catholic Church but continued to secure the prerogative of the state.

109 See Alessandro Ferrari and Silvio Ferrari, “Religion and the Secular State: The Italian Case,” in *Religion and the Secular State: National Reports*, edited by Javier Martínez-Torrón et al. (Madrid: Universidad Complutense, 2015), 435.

110 See Ferrari and Ferrari, “Religion and the Secular State,” 437–438. Based on such agreements, religious or charitable institutions can receive tax money (‘otto per mille’, 0.8 per cent of the payroll tax).

that are to date denied the status of a confession in Italy.¹¹¹ The growing non-religious side is currently campaigning against this.¹¹²

With the UAAR, founded in 1991 and member of the European Humanist Federation, an association was created that actively stands up for the rights of atheists and agnostics in Italy and defends atheist and non-religious ideas. On several occasions, this organisation has launched initiatives to reach an agreement with the state necessary to provide the non-religious side with rights and guarantees for financing non-religious schooling or social and charitable work. Their organ, *L'Ateo/Nessun Dogma*, as illustrated in the introduction, continues along the path taken by nineteenth-century secularists with their claims for laicism and the fight against catholic prerogatives. Everything considered, Italian secularists' battle for a "civic dimension of political decisions"¹¹³ and the "secularity of institutions"¹¹⁴ continues well into the twenty-first century.

111 See on these agreements Ferrari and Ferrari, "Religion and the Secular State," 437–438. The treatment of the non-religious camp is currently pending before the European Court of Justice. It was filed by the UAAR.

112 While in 2007, 13 percent of all Italians identified as non-believers, the percentage was 22.6 percent in 2017. See Tina Magazzini, "Country Report: Italy," <http://grease.eui.eu/wp-content/uploads/sites/8/2019/11/Italy-Report.pdf>, 7, accessed 30 April 2023. However, these figures do not reflect the organisational level of non-belief, which is lower.

113 Stefano Incani, "L'Unione degli Atei e degli Agnostici Razionalisti compie trent'anni," *L'Ateo* 5, no. 114 (2017): 6.

114 Incani, "L'Unione," 6.

Jeffrey Tyssens

The Atheist and the Court. The Failed Secularisation of the Judicial Oath in Nineteenth-Century Belgium

Introduction

If some might take the notion of an oath for granted, it is anything but. Scholarly treatises show an astonishing complexity on the historical, anthropological, linguistic and philosophical levels. It is therefore impossible even briefly to approach such a figuration in this chapter. However, let me retain from this fascinating scientific production the definition that French linguist Emile Benveniste gave of it in 1947 as “a particular modality of assertion, which supports, guarantees, demonstrates, but does not found anything. The oath is only by what it reinforces or solemnizes: a pact, a commitment, a declaration”.¹ The oath presents itself as an ‘oral rite’ which often combines a standardised formula with a manual gesture.² The main observation, however, is that normally a higher power is invoked, a divine power for example, from which a conditional sanction is called upon oneself, if a pact or an engagement is not kept or if a declaration is not in conformity with the truth. An oath can take two basic forms. First, there is the “promissory” oath engaging an individual for the future, e.g. to loyally fulfill one’s duties in public office. Then, there is the “assertory” oath, engaging an individual as a witness to tell the truth about factual matters that happened in the past. Both types were eventually to prove conflict-prone when, in the nineteenth century, atheists were required to take oaths in their traditional form. While the promissory oath caused considerable turmoil in Britain – notoriously with the Bradlaugh case,³ – it was indeed the assertory oath that mobilised secular forces in Belgium.

1 My translation. See Emile Benveniste, “L’expression du serment dans la Grèce ancienne,” *Revue de l’Histoire des Religions* (1947): 82.

2 Simone Lecoindre, “Ma langue prête serment . . .,” *Le Serment. I. Signes et fonctions*, edited by Raymond Verdier (Paris: CNRS, 1991), 6.

3 As extensively analysed in Walter Arnstein, *The Bradlaugh Case. A Study in Late Victorian Opinion and Politics* (Oxford: Clarendon Press, 1965). The United Kingdom has known its troubles with the assertory oath as well. Both questions would be dealt with in a bill introduced by Bradlaugh once he was installed as an MP. See Edward Royle, *Victorian Infidels. The Origins of the British Secularist Movement 1791–1866* (Manchester: Manchester University Press, 1974), 268–272.

Strikingly, the matter has only received scant scholarly attention,⁴ compared to the well-studied school wars or the cemetery conflict. One should not underestimate its importance, however, as it raised essential questions about the functioning of non-believers in society at large and within its institutional apparatus more in particular. Whereas the British promissory oath debate raised questions about the value of the unbeliever's allegiance to state and law, the assertory oath launched a polemic on whether an atheist could legitimately operate as a credible witness within the country's judicial system. That was by no means a minor issue, as it highlighted a fundamentally non-secular feature of public authority in Belgium. Indeed, as Max Weber stated in his chapter on political communities in *Wirtschaft und Gesellschaft*, the administration of justice can be considered one of the five basic functions of the state (alongside its legislative, policing, military and hygienic/educative/welfare/cultural functions),⁵ even of a night-watchman state such as Belgium was for the largest part of the nineteenth century. The consequences could not be clearer. If an atheist followed his conscience and refused to call for divine sanction, his access to this basic state service was to be flawed at the least. He definitely faced sanction, his testimony could be invalidated *ipso facto* and he even risked a denial of justice, plain and simple, as examples abroad proved.⁶

In this chapter, I will address the following questions: what was the precise legal frame of the judicial oath in Belgium? Who confronted its religious format with acts of refusal or protest? Was this an organised form of secular resistance? What can be said about its frequency, chronology and geography? How did the courts react to oath refusals, and specifically the country's supreme court, the *Cour de Cassation*, when it had to deal with (final) resorts on the matter (and possibly nullify a judgement of a lower judicial level)? Obviously, the issue provoked doctrinal debate among lawyers, which immediately spilled over into polemics in the daily press. These were most revealing about the views on atheism (or alleged atheism) in society, the sheer possibility of this and the protection it could obtain – or not – under the 1831 constitution. What effects came forth from these confron-

4 Charles Huberlant, "La formule du serment en justice et la liberté religieuse," *Annales de Droit* (1968): 141–187; Pol Defosse, *Dictionnaire historique de la laïcité en Belgique* (Brussels: Pire, 2005), 250–251; Nicolas Banneux, "Brèves observations sur le caractère religieux du serment au XIXe siècle à travers l'affaire 'Michel'," *Histoire du droit et de la justice: Une nouvelle génération de recherches*, edited by Dirk Heirbaut, Xavier Rousseaux & Alain Wijffels (Louvain-la-Neuve: Presses Universitaires, 2010), 499–510.

5 Max Weber, *Wirtschaft und Gesellschaft* (Tübingen: J.C.B. Mohr, 1922), III, 615.

6 As was shown, for example, in Britain in the famous Maden case – a "banal" family conflict on the possession of a piano – of 1860/1861. See Royle, *Victorian Infidels*, 270–271.

tations? We know that Belgian legislation with regard to oaths under the law of evidence remained unchanged until 1974. Clearly then, the liberal political elites were not able to enforce the *laïcisation* of the judicial system, which was the ambition of the secularist groups, even during legislatures with liberal majorities and administrations. What strategies, if any, were in operation on the liberal side? Were these unique for this particular matter or do they reveal broader features of the liberal stance on the creation of a secular public sphere? What about their catholic opponents? Were they all that strict in their rejection of a more open format? And, finally, what does the conflict relating to oaths reveal about the basic features of the citizenship of non-believers in countries like Belgium, a liberal constitution notwithstanding?

The Belgian Law and Its Discontents

In the Belgian case, a Bradlaugh affair was impossible, as the promissory oaths (of the King, MP's, civil servants, etc.) never contained any explicit divine reference, even if the expression *je jure* was not that innocent. With the assertory oath of witnesses, the matter was very different as the invocation *Ainsi Dieu me soit en aide* ('so help me god') was indeed part of the *jusjurandum*. It was based on a Dutch act of 1814, which independent Belgium had inherited and which continued the use of traditional formulas that invoked god. Was that act still valid once the 1831 constitution protected freedom of conscience and stated that no oaths could be imposed but by law?⁷ That was the fundamental question. It is striking that the issue was not put on the political agenda by parliamentary initiative. Indeed, it entered public debate from a grassroots level upward as of 1866, whereas the first specific law proposition to formally abolish the old 1814 formula was only introduced in April 1884 (I will come back to this).

The oath question reached the political agenda via a series of incidents, some of them constituting what is best qualified as acts of civil disobedience. I identified (mainly on the basis of an intensive scrutiny of the Belgian digitized press) 34 incidents that occurred in different Belgian courts between 1866 and 1914. That number might seem relatively limited, certainly when compared with the endless confrontations that produced the school war of 1879, or that so often accompanied the secular burials of the long nineteenth century. All things considered, this is a false impression. Many children attended school and eventually everybody dies, so choices in those fields are unavoidable, but the chances of one having to

⁷ As stated in Article 127. See <http://www.just-his.be/eprints/6809/1/Constitution.pdf>.

take the stand in court as a witness are relatively small. That gives a different ring to the cases that were eventually recorded. And there is more to it: these incidents led to procedures in courts of appeal and also in the *Cour de Cassation*, where a controversial case law was established that determined matters until the legal reform of more than a century later. So, let us first have a look at these court incidents.

Thirty-four refusals of, or protests against, the invocation of the divinity could thus be identified. Probably some have remained below the radar. Most incidents occurred on the correctional level, some in a *Cour d'Assises*, and there was even an issue in a military court, but fairly little was reported on incidents before lower judicial instances. So, it is quite possible that the number of cases identified is an underestimate. Their distribution over time is most revealing.

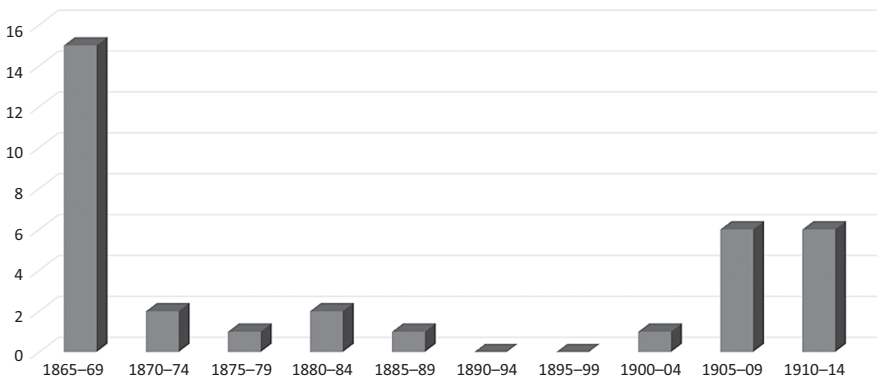


Figure 1: Oath incidents in five-year slots, 1865–1914.

About half of the incidents took place in the late 1860s, most of them even in just two years, i.e. 1867 and 1868 (see Figure 1). Then the number of occurrences dropped and the matter even seemed to disappear in the 1890s, but then came to the fore again in the years just before World War One. Being confronted with that first wave of incidents, some catholic observers suggested that they were the result of a secularist conspiracy.⁸ That evaluation was probably not all that far from the truth. Quite a number of lawyers who were involved, either by defending witnesses refusing to take a religious oath or by refusing to comply themselves, were directly related with the *Libre Pensée* societies in Antwerp, Brussels

⁸ *Le Bien Public*, 25 July 1867, 2; the same opinion was held by a high Brussels magistrate: Charles-Victor de Bavay, *De l'invocation divine dans le serment* (Brussels: Gobbaerts, 1867), 34.

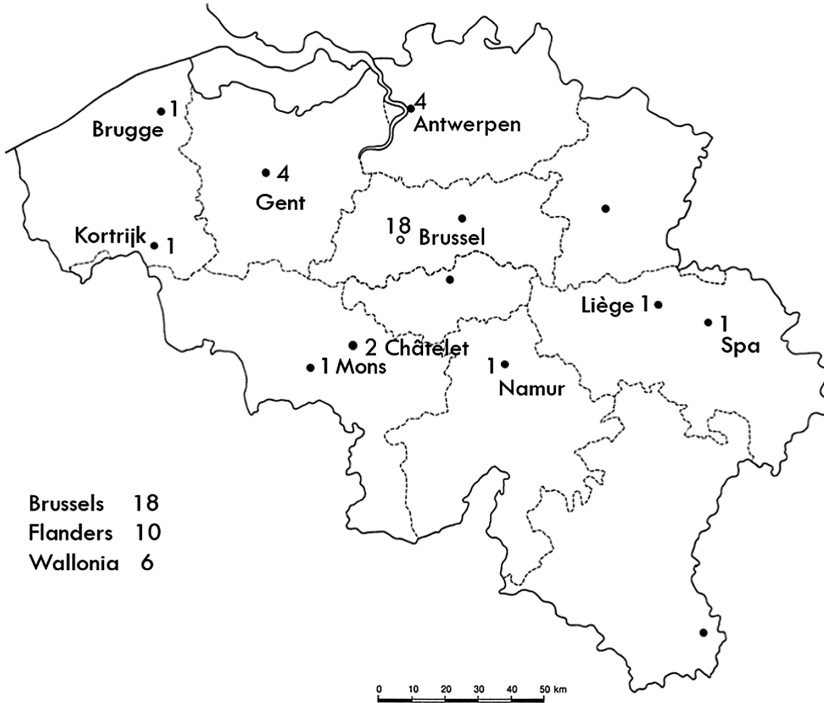


Figure 2: Geographical distribution of confrontations, 1865–1914.

and Liège. Moreover, the *Libre Pensée* actively supported those who refused the invocation, notably by paying their fines.⁹

The geographical distribution is revealing as well (see Figure 2). More than half of the confrontations occurred in Brussels courts. Six took place in courts in Walloon cities and ten in courts in Flanders. That most incidents were recorded in Brussels does not come as a surprise: the capital city justice district always accounted for large numbers of trials. What was less expected is the limited number of incidents in Wallonia, notably in the province of Hainaut, although it possessed a dense network of freethinkers' societies, as well as a secular press that was very keen on reporting these matters. Remarkably, Charleroi and the province's centre, which accounted, for example, for the country's highest percentage of secular burials, seem to be almost absent.

Thirty-one different people were involved in the incidents. One of the lawyers from our population rejected the oath formula on three occasions. An early

⁹ *L'Indépendance Belge*, 23 August 1867, 1.

socialist freethinker refused on two occasions. Press coverage shows that only men were concerned. As far as their occupational profile is concerned, we have at least some information on 27 people involved. The cases clearly show that religious oath refusals were predominantly a matter of the middling orders, broadly defined, ranging from upper middleclass men, such as university professors and well-to-do lawyers, to the more modest members of the lower middle class, with primary school teachers and employees. Working class people were not absent but definitely underrepresented if one compares this sample with the global composition of the Belgian freethinkers' movement. When we start identifying the individuals involved in greater detail, things become even more interesting. The panoply covers three groups: (1) largely unknown middle-class people without a militant profile; (2) middle-class liberals with more visibility, usually belonging to radical tendencies within the party, mostly lawyers but not constituting the large group one might have expected; and (3) a number of militant socialists, mostly but not always (skilled) working-class men.

Let us focus first on these 'anonymous' objectors. One must obviously start with Edouard Malfaison (1827–1886). He was the first to refuse the divine invocation in an Antwerp court in November 1866, was condemned and then appealed, his condemnation being confirmed, however.¹⁰ Malfaison was an Ostend-born shopkeeper's son who, while still employed as an office clerk, married a prison director's daughter. He later became a broker in wood in the port city and still had that occupation when he died at age 58.¹¹ Although he was not a militant character, was there no link at all between Malfaison and the freethought movement? Indirectly there must have been. The Antwerp *Libre Pensée* was particularly active with regard to the oath question, signed a petition to the senate on that matter in 1868¹² and, on top of its president Victor Arnould (1839–1893) acting as Malfaison's lawyer, it most probably helped the man catholic journals nicknamed the "Antwerp atheist" to pay his fine.¹³ We can presume he had liberal leanings, but he is nowhere to be seen in local party structures.

Another example of these unknown oath-refusers was to be found in Brussels, but this time with a very different profile. In February 1867, Albert Kayser (1818–?), a pharmacist based in the municipality of Saint-Josse-ten-Noode, was called as a witness in a case of unlawful selling of medication. Kayser refused the

10 *L'Indépendance Belge*, 28 November 1866, 1; 10 December 1866, 1; 24 June 1867, 1.

11 *Het Handelsblad*, 8 June 1858, 3; 5 November 1870, 4; 14 February 1886, 2; *Le Courrier de l'Escaut*, 25 November 1866, 2; *La Belgique Judiciaire*, 11 May 1905, 596.

12 *Annales Parlementaires. Sénat*, 1867–1868, 19 May 1868, 205.

13 *Le Bien Public*, 4 December 1866, 1.

oath and was condemned to a fine¹⁴ but never seemed to cross the path of militant secularism again. We do know a bit more of his public activities though. Kayser was Antwerp-born but of Dutch descent and was a member and generous sponsor of the *Nederlandsche Vereeniging van Weldadigheid*, a Dutch philanthropic society.¹⁵ Kayser was the secretary of several local public health committees.¹⁶ He was a co-founder of the *Société de Pharmacie de Bruxelles* (a society operating against quacks) in 1846, and every now and then appeared in the capital's conference circuit, where he seemed to combine social reform sensitivities with his hygienist leanings. Presumably Albert Kayser must have had liberal sympathies too, but, again, he does not show up in party structures.

Among the more visible and militant bourgeois, the group of lawyers stands out mainly in that first wave of incidents. Interestingly, these men of the law did not only act as defendants of their transgressing clients, like Victor Arnould or also Pierre Splingard (1839–1883),¹⁷ a collaborator of the secularist periodical, *Le Libre Examen*, but on several occasions, secularist lawyers refused the oath themselves. Amongst them, Gustave Jottrand (1830–1906) was a typical representative of the Liberal Party's left wing, co-founder of the Brussels *Libre Pensée*, a prominent freemason and a militant of the *Ligue de l'Enseignement*, in other words, the whole front of bourgeois secularism in the capital. Jottrand got away with a secular oath before the *Conseil de Guerre*.¹⁸ The most striking action was surely that of Adolphe Demeur (1827–1892), who refused to take the oath no less than three times in 1868 and 1869.¹⁹ Demeur had been a *fourériste* in his youth but can again be spotted mainly on the left wing of the Liberal Party, notably as a collaborator of radical papers like *La Liberté*. Demeur was a member of the vanguard masonic lodge *Les Amis Philanthropes* and was elected as a Liberal MP from 1870 to 1884.²⁰ Later in that first wave, another protest – but not followed by an eventual refusal – was made to be heard by Alfred Dwelshauwers (1834–1914), at the time a lawyer but later, the city secretary of Brussels. Dwelshauwers had less of a militant profile at first sight, but he was clearly a product of the same milieu. Like almost all implied lawyers he was an alumnus of the secular *Université Libre de Bruxelles*

14 *L'Echo du Parlement*, 17 February 1867, 2.

15 *Nederlandsche Vereeniging van Weldadigheid* (. . .) *Verslag over het tweede dienstjaar* (. . .) (Brussels: De Somer, 1869), 28.

16 *Journal de Bruxelles*, 2 October 1867, 2.

17 *Biographie Nationale*, XXIII, 460–465.

18 *L'Indépendance Belge*, 21 April 1869, 1; 22 April 1869, 1.

19 *L'Indépendance Belge*, 16 February 1868, 3; 17 February 1869, 1–2; *L'Echo du Parlement*, 18 May 1868, 2. He was fined on two occasions. In the third case, when refusing to swear as a curator, it is not clear if a sanction followed.

20 Defosse, *Dictionnaire historique de la laïcité*, 90.

and was the son-in-law of Altmeyer, a well-known and militantly secular ULB-professor.²¹ The bourgeois radical circles of Brussels' university reappeared in one of the later cases, notably when Eugène Monseur (1860–1912), himself a professor of Sanskrit, co-founder of the Belgian *Ligue des Droits de l'Homme*, a freemason and a member of the *Ligue de l'Enseignement*, was again fined in the habitual way for a refusal in 1912.²²

The socialist militants form a separate category. Here, again, we meet a set of names that left quite a mark in the history of the Belgian left. The most notorious freethinker of the lot was the Brussels-based carpenter, Simon Staatje (1826–1912): he was a co-founder of the *Affranchissement* in 1854, the first Brussels freethought society. In 1856, his wife was the first woman to have a secular burial in the capital. A year later he was said to have been the first worker candidate for a seat as an MP. Staatje was a hard-nosed militant who was already 70 when he still proved to be a forceful leader of a carpenter's strike.²³ He refused the religious oath on two occasions. One of the later contestants of the oath (which he finally took after protesting) during the *Grand Complot* trial of 1889 (a notorious case where republican socialist circles were infiltrated by police *provocateurs*),²⁴ was 'father' Conreur (1830–1907). Auguste Conreur, a tailor, had founded a genuine socialist dynasty (all sons becoming militants) in La Louvière in 1869, the place where he started the *Fédération Rationaliste du Centre*, alongside many workers' societies. As a close friend of the well-known Belgian revolutionary, Nicolas Coulon (1816–1890), another of the founders of *L'Affranchissement*, he had lived in Paris from 1845 until 1848, and participated in the failed tentative to export the French revolt to Belgium.²⁵

Among the younger generation of revolutionary or socialist militants there was Charles Delfosse (1856–1898), a draughtsman and journalist of middle-class descent. Already as a 19-year old, Delfosse was condemned because of his implication in a violent incident to enforce a civil burial. Delfosse was close to the Walloon republican socialist dissidents and later clearly belonged to the left wing of the Belgian labour party.²⁶ We must also mention Auguste Okolowics (1838–1891),

21 Jeffrey Tyssens, "Le jésuite et le franc-maçon. Mort laïque et prosélytisme clérical à Bruxelles dans les années 1870," *Cahiers bruxellois. Revue d'histoire urbaine* (2022): 49–77.

22 Paul Delsemme, *Les écrivains francs-maçons de Belgique* (Brussels: Bibliothèque de l'ULB, 2004), 192–194.

23 *Le Peuple*, 1 June 1912, 2.

24 Luc Keunings, *Des policiers si tranquilles. Une histoire de l'appareil policier belge au XIXe siècle* (Louvain-la-Neuve: PUL, 2009), 508–510.

25 *Le Peuple*, 3 March 1907, 3; 5 March 1907, 2.

26 *Biographie Nationale*, XXXVII, 200–203; *Indépendance Belge*, 14 June 1875, 3.

a Frenchman of Polish descent, a member of the first Internationale who was one of the generals of the Parisian Commune and then, nearly escaping a firing squad, fled to Belgium where he lived as a poor salesman in Brussels.²⁷ It is among the socialists that the only case can be found where the refuser ended in jail. It concerned Alfons Brienen (1869–1947), an employee of the *Vooruit* cooperative in Ghent, and a member of the local socialist freethinkers' league. As a witness in a theft case in 1907, where he refused the oath, Brienen also refused to pay the habitual fine and went to prison instead. There he got sick, however, and was freed after the fine was finally paid.²⁸ In 1909, at the Russian anarchist Hartenstein's trial, no less than three oath incidents were noted. One protester was ULB-student Kibaltchich, later a revolutionary writer better known as Victor Serge (1890–1947). One other witness, young typographer Jean De Boe (1889–1974), later a revolutionary trade-unionist, was dismissed because of his sustained refusal to pronounce the required formula.²⁹

From Court Rulings to the Judicial Debate

Why did these people all of a sudden start to refuse to comply with the traditional oath formula? And what were the consequences for the oath as such? It is possible that a coincidence set things in motion. Secularist lawyers may have presumed that the religious oath was not really as generalised and sacrosanct as it seemed because of an unexpected development during a murder trial in Namur in 1865. Its jury members had only been invited to take the oath simply as *Je le jure*. The defence lawyers used this, amongst other arguments, to contest the judgment before the *Cour de Cassation*. Interestingly, the latter rejected the request and referred to its own case law, which stated that jury members were not obliged to add the invocation to the oath.³⁰ Could this have raised the idea that perhaps there was a crack in the wall? Two cases arose with a two-month interval (between November 1866 and January 1867), where Malfaisson and Staatje, both having been called as witnesses, refused to pronounce the prescribed formula. The remarkable part was that both courts reacted differently. In Antwerp, Malfai-

27 *L'Echo du Parlement*, 8 August 1879, 2; 9 August 1879, 2; see also his biography in the Maitron repertoire: <https://maitron.fr/spip.php?article67264>, accessed 24 April 2023.

28 *Vooruit*, 30 September 1907, 1; 12 January 1947, 4.

29 *L'Indépendance Belge*, 19 June 1909, 3; Jan Moulart, *Rood en zwart. De anarchistische beweging in België 1880–1914* (Louvain: Davidsfonds, 1995), 357–362.

30 *Pasicrisie Belge*, 1866, 276–282.

son was not allowed to take the stand and was fined as if he had refused to appear. In Brussels, by contrast, Staatje was allowed to witness after an affirmation without any invocation of the supernatural, somewhat astonishingly by a judge who was reputed to be a catholic.³¹

Shortly afterwards, in a case law repertoire that had published the contradictory decisions, one of the editors, Remacle Bonjean (1807–1887), a councillor at the Liège court of appeal, added an almost panic-filled comment. It was not so much the contradiction that worried him most but the possibility that a non-religious oath could be introduced henceforth. So immediately Bonjean, not the most left-wing of judges it appears, took the defence of the traditional *jusjurandum* and advanced at least a part of the etymological and juridical arguments in favour of it, that would come back time and again in the following months. Incidentally, he could not actually believe that a full denial of the divine was a genuine possibility and presumed the issue was caused by *pyrrhonism*, i.e. by sceptics rather than atheists. Bonjean was particularly upset that the Staatje refusal had neither led to an appeal, nor to a procedure before the *Cour de Cassation* that could induce an authoritative judgment and thus bring about a new, clear statement in favour of the invocation.³² That Bonjean feared things might head in the other direction was not a coincidence. Just some weeks before the two affairs, a young lawyer, Léon Houet (1838–1885),³³ had delivered a speech at the conference of the *Jeune Barreau* of Liège where he had stated that maintaining the godly invocation could lead to outright religious persecution. That thesis was confirmed by the Malfaison condemnation, *dixit* the influential law weekly, *La Belgique Judiciaire*, which had published Houet's speech.³⁴

Bonjean was to be well served in April and May 1867, not only because he got his appeal procedures, but they also confirmed his views. The first appeal was processed in Liège and had been listed by the prosecutor against another non-condemnation, this time of the dentist, Maurice Michel (ca. 1838–1911), for a similar refusal in Namur.³⁵ Just a couple of weeks later it was Malfaison who appealed

31 *La Belgique Judiciaire*, 22 November 1866, 1,487–1,488; *L'Echo du Parlement*, 30 January 1867, 3; *Chambre des Représentants. Documents*, 1883–1884, no. 154, 8 April 1884, 2.

32 *Jurisprudence des tribunaux de première instance* (. . .), 1866–1867, 794–811.

33 Houet was a lawyer and later became a professor of public and administrative law at Liège university. He was a co-founder and first secretary of the *Société Franklin*, a liberal adult education society.

34 *La Belgique Judiciaire*, 18 November 1866, 1,457–1,467.

35 *La Belgique Judiciaire*, 5 May 1867, 561–576; *Pasicrisie*, 1867, 275–295. Michel had Alfred Guinotte (1834–1915) as his lawyer, i.e. the president of the *Libre Pensée* of Liège. See Eric Maquestiau, *Histoire de la Libre Pensée au pays de Liège* (Liège: ALLP, 1986), 27–29.

in Brussels against his condemnation in Antwerp.³⁶ In both procedures the refusers lost.³⁷ This led to a violent reaction by liberal lawyer Gustave Duchaine (1836–1907) – again an alumnus of the ULB and a member of the *Amis Philanthropes* lodge – in *La Belgique Judiciaire* shortly afterwards, attacking both judgements as symptoms of retrograde tendencies in the judiciary.³⁸ And more was yet to come. At the end of May 1867, Maurice Michel had introduced a procedure before the *Cour de Cassation* and lost again, although the high court had been deeply divided on the matter. Its judgement only had a majority of one single vote.³⁹ Liberal lawyers and magistrates considered this bad case law⁴⁰ and still tried to contest it. In Brussels again, in April 1869, recent case law notwithstanding, lawyer Gustave Jottrand succeeded in getting the judges of the *Conseil de Guerre* to accept his refusal of the invocation,⁴¹ but that was the last time an atheist got away with it. In those same months, lawyer Adolphe Demeur came time and again up against a brick wall, as we saw.⁴² That shows that even Brussels was forced into line in those months. Its procurator general, Charles-Victor de Bavay (1801–1875), a conservative magistrate close to the monarchy, took the pen to defend the divine invocation already in 1867⁴³ and had pressed the Brussels judges to comply with the latest case law.⁴⁴ His explicit positioning was not to please the Liberal Minister of Justice Jules Bara (1835–1900), and it was said to have added to the latter’s decision to sack the procurator general some years later at the occasion of his treatment of a financial scandal in which catholic politicians were involved.⁴⁵ But that changed nothing.

The argument against the appeal and nullification procedures consistently referred to an etymological point, i.e. to the relatedness of the word *serment* to *sac-*

³⁶ *Pasicrisie*, 1867, 295–298; *La Belgique Judiciaire*, 12 May 1867, 599–608.

³⁷ *La Belgique Judiciaire*, 13 June 1867, 737–760.

³⁸ *La Belgique Judiciaire*, 19 May 1867, 625–637. From its foundation onwards, the content of *La Belgique Judiciaire* had been largely determined by Brussels-based and liberal lawyers. See Sebastiaan Vandenbogaarde, *Vectoren van het recht. Geschiedenis van de Belgische juridische tijdschriften* (Bruges: Die Keure, 2018), 70–93.

³⁹ Almost certainly with the court’s president – the well-known liberal and freemason Eugène Defacqz (1797–1871), who had been a staunch defender of the freedom of conscience principle in the constituent assembly of 1830 to 1831 – being put in the minority. See: *L’Indépendance Belge*, 3 June 1867, 1.

⁴⁰ Huberlant, “La formule du serment,” 153.

⁴¹ *L’Indépendance Belge*, 22 April 1869, 1; *Le Bien Public*, 26 April 1869, 1.

⁴² *Pasicrisie Belge*, 1868, 393–402.

⁴³ Charles-Victor de Bavay, *De l’invocation divine dans le serment* (Brussels: Gobbaerts, 1867).

⁴⁴ *Le Bien Public*, 24 February 1867, 1.

⁴⁵ *Le Bien Public*, 12 July 1870, 1; *Biographie Nationale*, XXXIV, 54–56.

ramentum, to prove that without a divine sanction, an oath would simply not be an oath. Interestingly, the verb *jurere* was presented as having the same implication. That would mean that even the simple use of *je jure* ('I swear') immediately generated an oath that combined a civil and a religious action. At least one of the contestants, who was informed about that particular point during his trial, subsequently refused to use the verb as well and desired to keep it at a simple affirmation.⁴⁶ But back to the argument: etymology was followed by legal doctrine where a series of authors were mentioned, starting with Cicero (who was also quoted by the secularists) and Caius up to later epochs with (today) obscure legal scholars that usually commented on *Ancien Régime* law. The strict continuity of the religious nature of oaths was always stressed, with no attention paid to historical contingencies or to the desacralisation of political power that had already started long before the French revolution.

Eloquently, the secularisation of the oath under the 1793 *Convention* was presented as only a parenthesis in a history otherwise determined by immutability. It is just as revealing that efforts were made to prove that god's invocation was not in contradiction with the 1831 constitutional provisions on the freedom of conscience and the prohibition of forcing people to participate to any cult whatsoever, simply because the oath did not imply such a participation and because the constituent assembly, so it was stated, had only meant freedom of conscience within the limits of a free choice between cults – a view very much comparable to contemporary French case law.⁴⁷ Conscience provided no grounds for escaping a law that imposed an oath as a measure of public order, certainly not because of an atheism, which the Liège court qualified as nothing less than an aberration of the mind. As such, the 1814 act was still valid and not overruled by the constitution. Some even went so far as to state that this constitutional freedom of conscience was not without its limitations. Adaptations of the *jusjurandum* were admitted for other believers though: as they still acted under divine sanction, there was not really an issue. But there definitely was one with atheists. Eliminating the invocation of a god would abolish the oath altogether, so it was claimed: it would render the proof of punishable facts impossible and hence make society sink into chaos and anarchy.

The liberal counterargument, covered best by Duchaine in his *Belgique Judiciaire* article of 19 May 1867,⁴⁸ always stressed how much 1789 and the Belgian con-

⁴⁶ *Pasicrisie*, 1867, 275.

⁴⁷ Jean-Yves Piboubès, "La liberté de conscience à l'épreuve du serment: individu, religion et politique au XIXe siècle," in *Imaginaire et sensibilités au XIXe siècle. Etudes pour Alain Corbin*, edited by Anne-Emmanuelle Demartini and Dominique Kalifa (Paris: Créaphis, 2005), 157–167.

⁴⁸ *La Belgique Judiciaire*, 19 May 1867, 625–637.

stitution had brought a rupture with the *Ancien Régime* and with legal systems where human and divine justice were not clearly separated. This separation was clearly present once the will of the nation and not of a supreme being was to make law. Justice had become a purely human institution, so the obligation to declare the truth could no longer be a religious obligation. Perjury was only a crime under the law of men. If other, i.e. religious considerations were at play for an individual, that was strictly his or her own affair, not one of the legislator. In modern law, a religious oath had evidently become nonsensical. Maintaining it in a constitutional setting with freedom of conscience was an unacceptable contradiction, as it inevitably hurt the conscience of the non-believer or even punished him for his convictions. No wonder these lawyers were greatly upset by the judgements in appeal and at cassation.

The judgements ‘settled’ a constitutional question *against* the constitution, Gustave Duchaine claimed. The endless references to authors of doctrine in legal regimes that no longer existed were simply irrelevant in face of what he called “*le pacte belge*”, i.e. the 1831 constitution. This would lead to an atheist state, some claimed, but that was absurd: the state was or had to be neutral or, even better, *incompetent* in religious matters. The Belgian constitution was very clear on that point and left all matters of this nature to the individual conscience of the citizens. It had stipulated that no oath could be imposed but by virtue of law and, from the constituent assembly’s comment, it was to be deduced that hurting one’s conscience with such a law was not an option. Non-believers were included in those provisions: freedom of conscience was valid for all, not just for some. What the courts had done, was a derogation from the constitution and that was simply unacceptable, certainly because for other life stances exceptions had been made. With these condemnations the courts had put the country on a theocratic slippery slope. No wonder the criticism objected most to the Liège ruling that had stated that law and society were eventually based on faith, as it obviously mixed up the temporal and the spiritual. A secular oath would remain solemn, it would just as well create a contract between the person taking the oath and society at large, with legal sanctions at hand for perjury.

A Political Solution after All?

If these liberal lawyers do seem to have had the better case intellectually, it was not their views that prevailed in the highest courts. No wonder the catholic press was more than jubilant about the judgements. It was mainly the Ghent-based ultramontane journal, *Le Bien Public*, that elaborated in clear and aggressive terms

on the consequences of this case law for Belgian atheists. As far as the *Bien Public* was concerned, the court rulings proved that Belgian law was indeed based on the principles of christianity and that truth (equals the catholic faith) had its rights against liberal ‘dogmatics’.⁴⁹ Atheists were radically incapable of an oath and were simply not be heard in justice: “*Niant Dieu, ils violent par là même la loi morale dont Dieu est la source et n’offrent par conséquent aucune garantie de vérité.*” Atheists were *a priori* to be considered liars. Even professional thieves were more trustworthy.⁵⁰ And so forth for many, many pages. Obviously, one might wonder why the Liberal Party did not try to change this constellation with a straightforward new law. With Jules Bara, they had the Minister of Justice: he was in office in 1867, and would remain so until 1870. It is well known that Bara, a notorious anti-clerical, did not really have many qualms about diminishing the role of religion in state and society.⁵¹ In the legislatures between 1878 and 1884, the Belgian liberals were again in office, with the same Minister of Justice, within a broader context where confronting catholicism was even more on the agenda, leading to what some have called the ‘ephemeral Belgian secular state’.⁵² Nevertheless, a secularising bill was only introduced a couple of months before the 1884 elections that were to return a catholic majority in both houses (for 30 years to come, by the way): that bill did not originate with the liberal administration but was introduced from the margins, i.e. by the most radical MPs, and hence did not stand much of a chance of passing (see below).

However, that apparent timidity notwithstanding, there does seem to have existed a kind of a ‘deeper’ strategy among mainstream liberals, notably among the cabinet ministers. Furthermore, that strategy looks quite congruent with the way other sensitive life stance issues were dealt with. We can observe this with regard to the partial secularisation of cemeteries. Liberal majorities did not risk⁵³

49 *Le Bien Public*, 24 November 1866, 1.

50 *Le Bien Public*, 5 December 1866, 1.

51 In his PhD thesis, Bara had expressed his reservations regarding the religious nature of the oath. See Jules Bara, *Essai sur les rapports de l’Etat et des religions* (Tournai: Ritte, 1859), 138–140.

52 Carolin Sägerser, “Secularism in French-speaking Belgium,” in *Looking Back to Look Forward. Organised Humanism in the World: Belgium, Great-Britain, the Netherlands and the United States of America, 1945–2005*, edited by Niels De Nutte and Bert Gasenbeek (Brussels: VUBPress, 2019), 23–42.

53 It is difficult to say what motivated that rather shy approach. The fear that it may have led to a violent reaction by the clergy, no doubt supported by large parts of the population? Doubts that even the Liberal MP’s fraction would not follow in its entirety? A combination of both? The two arguments would have been very reasonable. The school wars were to show what the first scenario would imply, i.e. a ‘moral civil war’, as it has been qualified. The second scenario was no doubt something to be seen on different levels where secularising measures were not necessarily

changing a problematic law directly but, from the 1860s onwards, counted instead on case law and not without some success at the end of the day.⁵⁴ In the oath issue, the *Cour de Cassation* rulings made that course of action impossible. But the liberals still continued to opt for an indirect strategy, more in particular by trying to adapt the oath formula more or less unnoticed, ‘hiding’ a new approach in the ‘plain sight’ of a much larger reform of civil and penal procedure.⁵⁵ That was not necessarily a bad choice. In the serenity of the subsequent specialists’ commissions, which had to prepare that overall reform, catholic lawyers-cum-MPs, even when reputed to be quite ‘clericalist’, could sometimes be convinced to take more tolerant positions. The problem, however, was that this protracted reform process not only proved painstakingly slow but, as several proposals became null and void at the end of the legislatures, it was never completed before 1914. Time and again, these recodifications got voted only partly and on each occasion, the more flexible approach of the oath formula never passed the bar, although it once came very close to doing so. To explain this, different factors are to be accounted for. But let us have a look at how the matter was treated by the preparative commissions of the 1860s and 1870s.

The matter was handled first by a commission that had been nominated in the summer of 1866 – so just some months before the first refusal took place – and had worked on the civil procedure until 1869. Its report with the related reform bill was only introduced in November 1876, by the Catholic Minister of Justice, Théophile De Lantsheere (1833–1918). In the proposal, the classical formula *Ainsi Dieu me soit en aide* was maintained, but Article 33 stipulated that if one’s faith required another oath formula, this was to be allowed and Article 34 (just like other articles on experts, etc.) added that if one’s convictions rejected all oaths, the promise to tell the whole truth and nothing but the truth would suffice. The commission had serious reservations regarding the value of oaths at large but, as that exceeded its mandate, it did not propose to abolish them altogether. It is most likely that it was the commission’s protractor, Albéric Allard (1834–1872), then a judge in Verviers (soon to become a law professor at Ghent University)

always fully supported by the elected of the party. See Jeffrey Tyssens and Danny Praet, “La tentation de Mithra: la franc-maçonnerie et Franz Cumont,” in *Tracing the Life and Work of Franz Cumont: Archives – Objects – Networks – Travels*, edited by Corinne Bonnet & Danny Praet (Brussels-Rome: Studia Academiae Belgicae, 2024).

⁵⁴ Case law was the base of ministerial instructions that were only implemented with difficulty but eventually did change local figurations. See Jeffrey Tyssens, “Een vreemdeling genaamd Brébart: over de eerste burgerlijke begrafenis in Turnhout,” *Taxandria – Jaarboek van de Koninklijke Geschied – en Oudheidkundige Kring van de Antwerpse Kempen* (2019): 105–139.

⁵⁵ John Gilissen, “Codifications et projets de codification en Belgique au XIXe siècle (1804–1914),” *Belgisch Tijdschrift voor Nieuwste Geschiedenis* (1983): 203–285.

and a well-known freethinker (he had studied in Brussels),⁵⁶ who challenged the view of the oath as a religious act. Referring to doctrine and etymology, an oath could refer to a divinity but, alternatively, to something secular just as well (e.g. ‘the people’). However, the majority of the commission wanted to maintain that *je jure* took god as well as society as a witness and defended the preservation of the divine invocation, even if that was a pleonasm with *je jure*. The attachment to it by the ‘inferior classes’ was a motive in favour of this.

Several members who preferred a single formula without a particular religious reference – the liberals, obviously – expected this status quo to lead to embarrassing difficulties, whereas others – the catholics no doubt – deemed that risk exaggerated but allowed for variation, however. There was no discussion for religious minorities (case law sufficed), but what about those who had ‘philosophical convictions and scruples’, i.e. the unnamed atheists? Allard explicitly mentioned the controversy that had grown since the Malfaisan refusal. If the sanctioning of a refusal was only weakly defended, *dixit* Allard, the rejection of such a testimony clearly had more support. Eventually the commission decided, four against three, in favour of the optional affirmation for atheists. The minority argued that this was to abolish the oath altogether, a classical argument that was to come back time and again. The majority based its view on the constitutional protection of the freedom of conscience, which the minority deemed not to be at stake, another of the *topoi* repeated ever since. Interestingly, Allard argued in the report that the constituent assembly (the ‘National Congress’) of 1830 to 1831 had seen the oath as a civil act rather than as a religious one, adding that the state was incompetent to scrutinise the individual’s conscience – exactly the same words as used by the liberal critiques of the 1867 case law.⁵⁷

Paradoxically, when a new report and proposal on penal procedure was introduced by Jules Bara as the Minister of Justice of the last Liberal administration, the tonality was very different. Here the report was very adamant in its opposition against all tendencies to do away with oaths, again with reference to “*l’esprit du peuple*”, and explicitly qualified the oath as sacramental. The only exceptions to be made concerned dissident cults for whom case law was available. No more trace was to be found of philosophical objections. As was to be expected, a refusal of the oath with its religious vocabulary was again to be sanctioned, even more

56 *Biographie Nationale*, XXX, 32–35. On Allard and judicial reform, see Maarten Vankeersbilck, *Justitie in de steigers: gerechtelijke hervormingen in België. De moeizame weg naar het gerechtelijk wetboek* (PhD dissertation, Ghent University, 2019), 113–134, 403–411.

57 *Chambre des Représentants. Documents*, 1876–1877, no. 18, 28 November 1876, 26, 29–30, 142–148.

heavily than the old code stipulated.⁵⁸ Why this reversal of tone compared to the Allard report? Here again, the personality of the protractor was decisive. This report had been written by Jean Nypels (1803–1886), an older penal law specialist from Liège University, who was not a secularist like Allard to start with⁵⁹ and who definitely proved to be an adversary of any diluting of the religious formula. Some years later, Nypels even made use of *La Belgique Judiciaire* to publish his translation of a text by the Dutch Minister of Justice, Anthony Modderman (1838–1885), who, although a liberal himself, clearly rejected any ‘mixed system’ offering a choice between an oath and an affirmation.⁶⁰ Two different views then, but neither of them was turned into legislation.

When yet another parliamentary commission started working and handed in most of its reports during the 1878 to 1884 Liberal government, things again went in another direction.⁶¹ This time the report was produced by Joseph Thonissen (1816–1891), who not only was a law professor from the Catholic University of Louvain but also a member of the Catholic Party. In 1884, he was even to become Minister of the Interior of the Catholic Beernaert government. Thonissen’s ideological profile notwithstanding, his report did not follow the Nypels line but again came closer to Allard. In Article 114 thereof, an exception was foreseen on the formula of swearing before god and mankind when motives of conscience were at stake, regarding a solemn promise to speak without hate or fear and to say the whole truth and nothing but the truth. The article even stressed that this promise was to be considered equivalent to an oath. The formula was proposed by an unnamed member of the commission, most probably by one of the two liberals,⁶² and was accepted by the majority.⁶³ This could have been a window of opportunity⁶⁴ but things turned out very differently.

58 *Chambre des Représentants. Documents*, 1878–1879, no. 88, 5 March 1879, 227–229, 241.

59 If Nypels does not seem to have been particularly close to the Catholic Party, he was buried with a church service. See *Biographie Nationale*, XVI, 22–28; *La Meuse*, 8 March 1886, 2.

60 *La Belgique Judiciaire*, 30 October 1881, 1,377–1,383; 4 December 1881, 1,537–1,544.

61 This development clearly motivated the Nypels-Modderman “statement” we just mentioned.

62 It concerned Eudore Pirmez (1830–1890), always very moderate in religious issues, and Jules Guillery (1824–1902), more to the left of the party and a former leader of the secular *Ligue de l’Enseignement*. Probably it was the latter who defended the possibility of a choice.

63 Joseph Thonissen, *Travaux préparatoires du Code de procédure pénale. Rapports faits à la Chambre des Représentants, au nom de la commission parlementaire* (Brussels: Lefèvre, 1885), I, 264, 266–268, 296.

64 Some liberals considered that it was, notably François Laurent (1810–1887), a law professor of Ghent University and a notorious anti-clerical. In his six volume book on the reform of the civil code, he was adamant in his evaluation of the oath as a civil act and was confident that the acceptance of this principle by the parliamentary commission – a bit of an exaggeration, this – was to

First of all, for the radical wing of the Liberal Party, the Thonissen solution did not go far enough: hence the bill trying to introduce a single and secular oath formula. The bill was introduced in the House on 28 March 1884, by Eugène Robert (1839–1911) and was co-signed by other MPs of similar left-liberal orientation, two of them (Demeur and Arnould) having actively opposed the religious formula in the 1860s. All had been elected in Brussels and most had links with the *Libre Pensée*.⁶⁵ The bill replaced *Ainsi Dieu me soit en aide* by *Sur mon honneur et ma conscience, je jure*. The former formula was considered to be contrary to the principle of freedom of conscience, the equality of citizens and the dignity of the oath. The new formula was said to be based on sentiments common to all men, whatever their religious or philosophical opinions. Only with this kind of secular formula could the will of the original constituent assembly be realised. That the bill still maintained *je jure* was not without its ambiguities, but the signatories explicitly denied this.⁶⁶ The idea was that the new formula would confirm the oath as an exclusively civil act and bring an end to the illegitimate intrusion of religion into the civil order. The mixed approach of the Thonissen report accounted insufficiently for the “*caractère essentiellement laïque et séculier*” of the oath (note the double concept). It also carried the risk of negatively influencing the opinion of the judge whereas all testimonies had to be weighed in perfectly equal circumstances. The bill was presented to the House on 8 April 1884,⁶⁷ but then, due to the end of the legislature, it became null and void. So, finally, only the Thonissen solution was discussed in the House. Interestingly, this was done under a new catholic majority, initially even with the support of influential conservative catholics,⁶⁸ but then things unexpectedly turned sour.

end the debate once and for all. See: François Laurent, *Avant-projet de révision du code civil. Tome quatrième. Articles 1050–1429* (Brussels: Bruylandt, 1884), 382–384. See also Elisabeth Bruyère, *Corriger et compléter la loi: les vues avantgardistes et contestées de l'avant-projet de revision du Code Civil pour la Belgique par François Laurent (1882–1885)* (PhD dissertation, Ghent University, 2020).

65 Most probably the bill was made in agreement with the Brussels freethinkers' society: only a few days before the presentation in the House, the *Libre Pensée* had introduced a petition in favour of abolishing the religious formula. See *Annales Parlementaires – Chambre*, 1883–1884, 1 April 1884, 1008.

66 They referred to the dictionary of French language produced by the positivist Littré where the invocation was not exclusively directed towards a divinity but could also refer to persons or things, i.e. the “or . . . or” argument of Allard c.s. against the classic “and . . . and” thesis.

67 *Chambre des Représentants. Documents*, 1883–1884, no. 154, 8 April 1884, 1–9.

68 This is quite remarkable as the catholic press had been quite critical when the project text had first been presented in 1882. See *Le Bien Public*, 13 March 1882, 1; 22 March 1882, 1.

The articles with the general oath dispositions and the exception passed a first vote in the House without any debate on 22 December 1886.⁶⁹ However, the catholic press was quick to intervene and attacked the disposition because it would inevitably lead to a *de facto* abolition of the oath.⁷⁰ When parallel oath stipulations for jury members had to pass a first vote on 19 January 1887, they were openly attacked by a number of Catholic MPs with the usual set of arguments in favour of maintaining the traditional formula. The first vote had been carried, so it was said, because nobody had ‘noticed’ the issue. The liberal opposition defended the ‘mixed’ formula and stated that the bishops had mobilised their flock to block the reform. Catholic Justice Minister Joseph Devolder (1842–1919) tried to defend the project – with arguments not very far removed from those of the moderate liberals, by the way – but eventually he had to back down. Notably, this can be explained by the fact that one of the major catholic members of the commission, Charles Woeste (1837–1922), a most influential MP who had originally supported the reform, stated that its defence by the liberal opposition had made him change his mind. A genuine opt-out possibility with equal value of the testimony was not what he had intended, he said, even as the original text was unambiguous in this respect. However this may have been, the first vote notwithstanding, all the articles regarding the oath formula were sent back to the commission.⁷¹ Thus the whole issue was buried again. It briefly resurfaced in December 1890. With a report authored this time by Woeste himself, the affirmation was to become a possibility, but this time it was stated that the witnesses had to declare explicitly that they did not believe in god.⁷² But again, this opening was never voted, nor was its recycled version in another project in 1902.⁷³

When a new reform bill was proposed by Catholic Justice Minister Carton de Wiart (1869–1951) to the House shortly before the outbreak of World War One, it seemed to leave the decision upon an exemption to the individual judge, possibly for people declaring they did not believe in god, but the report nevertheless confirmed that the divine formed the substance of an oath and stated that even for non-believers, the invocation marked its solemnity.⁷⁴ That looked like a regres-

69 *Annales Parlementaires – Chambre*, 1886–1887, 22 December 1886, 273.

70 *Le Patriote*, 9 January 1887, 1; 17 January 1887, 1; *L’Indépendance Belge*, 13 January 1887, 1.

71 *Annales Parlementaires – Chambre*, 1886–1887, 19 January 1887, 312–326.

72 *Chambre des Représentants. Documents*, 1890–1891, no. 39, 12 December 1890, 2–6. In the main socialist journal this was judged to be a ‘perfect’ solution, but the secularist press blew the whistle on that naive view. See *Le Peuple*, 17 December 1890, 2; *La Raison*, 20 January 1891, 2–3.

73 *Chambre des Représentants. Documents*, 1901–1902, no. 71, 20 February 1902, 50–51.

74 *Chambre des Représentants. Documents*, 1913–1914, no. 237, 24 April 1914, 69–70

sion compared to the earlier formulations.⁷⁵ It did not have much importance, however. Once again, the project was never dealt with. It is not impossible that the preparation of this report in the years preceding the First World War – when new oath refusals reached the press – made the idea resurface of a separate bill to be introduced by MPs of the left opposition, but that plan never materialised.⁷⁶ It was only in the early 1920s that a Socialist MP from Charleroi, Victor Ernest (1875–1940), a staunch freethinker but only a backbencher, introduced a new bill on the matter.⁷⁷ It never even reached the agenda. Paradoxically, after 1918, liberals and/or socialists were always part of a governmental coalition. That should theoretically have raised the chances of an oath reform, but it did not. Since the war years, religious matters that could have divided the governing majority of catholics and non-catholics were systematically subjected to a status quo agreement.⁷⁸ Socialist leaders such as Jules Destrée (1863–1936), well known for his politics of rapprochement towards the Catholic Party, stated in 1925, that a new oath formula was just one of those “*réformettes microscopiques*”, a tiny little reform he could support,⁷⁹ but he and the others of the Socialist Party elite never did, clearly in order not to displease the Catholic Party for whom it definitely was not such a “*réformette*” at all. And so, the oath issue was buried in the graveyard of coalition politics. It was to resurface in the House only in the 1970s.

Conclusions

The oath question was one of the main debates where the secular or non-secular foundations of the Belgian legal system, and therefore of the Belgian state in general, were at stake.⁸⁰ This was obviously no small question, even if the number of incidents would only be relatively limited. How, then, must we evaluate this con-

75 Although several secular lawyers and law professors, of the Brussels university notably, were commission members. They certainly must have been rather passive on the matter.

76 *L'Indépendance Belge*, 17 March 1909, 2; *Journal de Charleroi*, 27 March 1909, 1.

77 *Chambre des Représentants. Documents*, 1922–1923, no. 334, 7 June 1923.

78 Jeffrey Tyssens, *Strijdpunt of pasmunt? Levensbeschouwelijk links en de schoolkwestie 1918–1940* (Brussels: VUBPress, 1993), 48–85.

79 *L'Indépendance Belge*, 15 November 1925, 2.

80 It is striking that the decoration of courthouses – crucifixes, paintings with religious motives, etc. – seems to have been far less of an issue, even if sometimes it was discussed. Some catholics were vexed by the Brussels justice palace, with its alleged ‘neo-pagan’ style, as “*le symbole du laïcisme moderne contre la cathédrale*”. See *Revue de l'Art Chrétien*, January 1884, 116. In the Brussels municipality of Molenbeek, some incidents between a catholic judge and the liberal city authorities were reported in 1889 and concerned the removal and return of the cross in a new hall

flict? To fully understand it, we must refer to historian Paolo Prodi's seminal work on the matter,⁸¹ where he mainly deals with the promissory oath but with consequences for the assertory oath as well. Prodi shows that the argument of the Belgian judges in favour of the immutable character of the religious oath formula was by no means consistent with what history actually showed. I cannot elaborate on the profound changes in the attitudes of christianity towards the oath, but I must mention the importance Prodi attaches to natural law and social contract thinking in the devaluation of the oath to an accessory ritual, long before the Belgian polemics of the 1860s. Even more important is what Prodi qualifies as the 'time bomb' put under the oath as such by Spinoza, the first *maître à penser* of the radical Enlightenment, particularly when he proposed (in the *Tractatus Politicus*) to eliminate god from the *jusjurandum* altogether. All of this did give rise to reflections that paved the way for the new oath of 1793 in revolutionary France. Were the Belgian dissidents and their lawyers aware of this intellectual pedigree? Hardly. For most, it was only the French revolution that was referred to.⁸² But there might be just one exception, namely Gustave Duchaine, who explicitly brought a contractual view of law into opposition with the imposition of the traditional invocation of a supreme being. Be that as it may, with the firm opposition against a secularised oath by a considerable proportion – though not all – of Belgian catholicism, coupled with the timid position of liberal majorities and the contingencies of procedural reform, Spinoza's time bomb took a very long time to explode.

If an atheist's testimony could be invalidated merely because of the witness's refusal to pronounce a divine invocation or if he could even be sanctioned because of that, then a non-believer was indeed not a fully-fledged member of the *res publica*. The oath question was a clear token of atheists still being stuck in what has been qualified as "weak citizenship", notably in a collective work edited by Italian legal philosopher Danilo Zolo,⁸³ specifically because of incomplete enti-

for the justice of the peace. See *Le Patriote*, 7 October 1889, 1; 26 October 1889, 1; *La Réforme*, 30 October 1889, 1. But this kind of confrontation seems to have remained most uncommon.

81 Paolo Prodi, *Il Sacramento del Potere. Il giuramento politico nella storia costituzionale dell'Occidente* (Bologna: Il Mulino, 1992); Paolo Prodi, *Der Eid in der europäischen Verfassungsgeschichte* (München: Verlag Historisches Kolleg, 1992).

82 The ambiguities of christian tradition though were pointed at in Jules Declève, "De l'abolition du serment proposée au nom des chrétiens," *Revue de Belgique* (1878): 116–120.

83 Introducing the French translation of Todeschini's book *Visibilmente crudeli* (see further), historian Patrick Boucheron pointed at Zolo's use of the concept. See Giacomo Todeschini, *Au pays des sans-nom. Gens de mauvaise vie, personnes suspectes ou ordinaires du Moyen-Age à l'époque moderne* (Lagrasse: Verdier, 2015), 23; *La cittadinanza. Appartenenza, identità, diritti*, edited by Danilo Zolo (Rome: Laterza, 1999).

tlement to essential state services. This definitely seems to have echoed highly archaic forms of exclusion of the heterodox. If one reads the contemporary catholic press comments on these matters, definitely those in hardliners' journals, one can only conclude that they reproduced age-old mindsets in which unbelievers, as if they were ordinary criminals, fell under the central category of 'infamy', which already in Roman times had implied a prohibition on taking oaths altogether. That stigmatising of the unbeliever illustrated the continuation of exclusion mechanisms of medieval construction and subsequent reproduction, whose genesis and broadening has been adequately analysed by historian Giacomo Todeschini in his monography *Visibilmente Crudeli*.⁸⁴ Whether before the law or in society at large, the central matter was one of 'credibility', or the lack of it, which could, for example, be related to religious deviance. Only those who rightly believed could themselves be rightly believed. Atheists were best set outside of the community altogether, made speechless and invisible (as was clearly shown in the early burial conflicts), but this also had to be reflected in the absence of normal access to the judicial system. Which brings us back to Zolo's conceptualisation as quoted in the beginning of this paragraph.

If one studies the incidents in Belgian courts, one is struck by the somewhat later appearance of the matter, for example, when compared to the UK, where contestation arose as early as 1839.⁸⁵ But then, in the late 1860s, that delay was quickly caught up. There is no surprise in observing the Belgian freethinkers' societies having a mobilising role, but there are more important conclusions to be drawn in this respect. There is obviously a thrill in identifying the usual suspects in the court room incidents, but the most valuable observation in my opinion is the relatively large implication of seemingly unremarkable people, the 'small fry' of the sample of dissidents. This confirms earlier conclusions of mine with regard to the key role of unknown, non-organised individuals in the history of secular burials⁸⁶ and supports my view that, more than before, the historiography of secularism should move away, at least in part, from a history that is still too often based on narratives with only the big names (the Bradlaugh-type, let us say) towards a genuine history from below, where it is not the habitual cadre of the freethought movement that comes into the picture but, rather, the rank-and-file or even the largely non-affiliated, 'anonymous' sympathisers and fellow travel-

⁸⁴ Giacomo Todeschini, *Visibilmente crudeli. Malviventi, persone sospette e gente qualunque dal Medioevo all'età moderna* (Bologna: Il Mulino, 2007).

⁸⁵ Royle, *Victorian Infidels*, 268.

⁸⁶ Jeffrey Tyssens, "Early Secular Burials in 19th-Century Flemish Provincial Towns," *Secular Studies*, (2022): 42–70.

lers.⁸⁷ Obviously, this is not at all a new nor even an original objective, but as a programme for the history of secular movements, to quite an extent it still remains to be implemented. This programme does not pay lip service to a fashion, let alone to a fashion gone by, but points the historian to the more general conclusion one can draw: that inconspicuous, even relatively isolated individuals, can play a fundamental part in the genesis of secular dynamics affecting even the main sectors of the modern state.

⁸⁷ That does not mean that some of the (earlier) historiography did not attempt and succeed in doing so. I can refer again to the work of Edward Royle where these small names get their due.

Adelaide Madera

Atheism in Judicial Discourse: A Comparative Analysis of the US and the Italian Constitutional Scenario

Introduction

A growing number of scholars is focusing on non-religion, its multiple identities and its protection under the constitutional clauses aimed at protecting religion.¹ Indeed, for a long time, atheism has been perceived as an unwelcome minority both in the US and in the Italian scenario, regardless of the divergent models of church-state relationships (separationist or cooperative), different interpretations of secularism (non-interference with or promotion of religion), and different constitutional approaches to the protection of religious freedom (focus on a mere individual or even on a collective dimension of religion). Although non-religion is increasingly considered part of a growing religious diversity, many democratic legal systems still problematise the definition of non-religion and have difficulty in dealing with the issue of its legal treatment.²

According to Margiotta Broglio, the issue of atheism acts as a “stress test for the state models of religious neutrality, social cohesion, and living together”.³ Indeed, the non-religion challenge has to be framed within the broader issue of whether religion is still unique and deserving special protection. On the one hand, in a post-secular era, which shows the failure of theories that predicted the disappearance of religion from the public space, legal systems are experiencing a “resurgence of religion” in the public discourse and they have to cope with increasing claims for religious pluralism, due to immigration flows.⁴ Traditional christian privilege is undergoing an increasing erosion, which gives rise to new culture wars. On the other hand, modern societies are experiencing deep changes in their religious landscapes, such as the dis-

1 Steven Tomlins and Lori G. Beaman, “Introduction,” in *Atheist Identities. Spaces and Social Contexts*, edited by Lori G. Beaman and Steven Tomlins (Cham: Springer, 2015), 1.

2 Helge Årsheim, Mauritsen Lundahl and Anne-Laure Zwilling, “Introduction – Non-religion in Late Modern Societies,” in *Nonreligion in Late Modern Societies*, edited by Helge Årsheim, Mauritsen Lundahl and Anne-Laure Zwilling (Cham: Springer, 2022), 1.

3 Francesco Margiotta Broglio, “I diversamente credenti nel sistema dell’Unione Europea,” *Co-scienza e Libertà* (2020): 59–60

4 Thomas Scott, *The Global Resurgence of Religion and the Transformation of International Relations: the Struggle for the Soul of the Twenty-First Century* (New York: Palgrave Macmillan, 2005).

affiliation from and mistrust of traditional religions, the rise of ‘nones’ and of new forms of individual spirituality,⁵ the simultaneous phenomena of “believing without belonging”⁶ and “belonging without believing”.⁷ As the boundary between religion and non-religion is becoming increasingly blurred, the key issue is whether a special regime should be extended to non-religious claims, raising the risk of an overexpansion of exemptions to general provisions, or whether equalitarianism implies the removal of religious exemptions, to the detriment of minorities suffering the disparate impact of generally applicable provisions.⁸ In the US landscape and in Italy, the controversial question concerning the legal protection of atheism has been the object of a bitter political and academic debate, culminating in fierce litigation and affecting the interpretation of the constitutional text, with specific regard to public visibility of religion and disparate treatment with regard to public financial support. For several decades, in both contexts the judiciary has justified the public visibility of religious symbolism in public spaces, struggling to reconcile state neutrality with the preservation of history, culture and tradition.⁹ In the Italian religious landscape, Catholicism has traditionally been the predominant religion, the Catholic Church has played a key role in society, even affecting political choices, and the removal of its displays in public spaces is still the object of a polarised public debate. In the US religious landscape, since the colonial era the idea of a common set of values, rituals, symbols and festivities has developed, resulting in a kind of civil religion. Although it has never been embodied in a single institution, the interplay of politics and religion has traditionally been perceived as a bastion of a shared identity, generating intolerance towards non-religion.

The present chapter aims to analyse atheist claims in a comparative perspective in order to assess whether and to what extent they have promoted an evolving interpretation of the meaning of religion in constitutional language and have increased the visibility of atheism in the public space.¹⁰

5 Lori Beaman, “Nonreligion, Changing Religious Landscapes and Living Well Together,” in *Nonreligion in Late Modern Societies*, 16.

6 Gracie Davie, “Believing Without Belonging: Is This the Future of Religion in Britain?,” *Social Compass* 37 (1990): 455–469.

7 Daniele Hervieu-Léger, *Religion as a Chain of Memory* (New Brunswick: Rutgers University Press, 2000), 70–72.

8 François Boucher, “Exemptions to the Law, Freedom of Religion and Freedom of Conscience in Postsecular Societies,” *Philosophy and Public Issues* 3 (2013): 159; Brian Leiter, *Why Tolerate Religion?* (Princeton: Princeton University Press, 2013), 64.

9 Carlo Nardella, Marcello Toscano and Luca Pietro Vanoni, *I simboli contesi. Simboli religiosi tra rappresentazioni pubbliche e conflitti giuridici* (Milano: UTET, 2023), x.

10 Ethan G. Quillen, *Atheist Exceptionalism. Atheism, Religion, and the United States Supreme Court* (London/New York: Routledge, 2018).

The Constitutional Protection of Religion in the Italian and in the US Context

The complexity of the issue is mainly due to the constitutional dilemma of modern legal systems, which guarantee special protection to religion but are not equipped to give it a legal definition.¹¹ Although the US and the Italian legal systems start from diverging constitutional approaches with regard to the interplay of religion with the government, both countries are mainly christian nations that have difficulty in implementing a full religious pluralism. Furthermore, a reduction of church-state relations to a single unifying theory (such as ‘separation’ or ‘cooperation’) disregards their multifaceted nature.

Indeed, in the Italian constitutional framework, church-state relations are founded on a complex balance between the principles of secularism, equal freedom of all faith communities (Article 8.1 of the Constitution), and church-state cooperation (Articles 7.2 and 8.3 of the Constitution). In the US context, the interaction between religion and the government is governed by the dualistic interpretations of the Religion Clauses (First Amendment), which should guarantee the maintenance of church-state separation, free exercise of religion and non-interference in internal church matters.

In both legal contexts the legal meaning of religion, its scope and its limits have given rise to a fierce academic and judicial debate. The Italian Charter opted to avoid the term ‘religion’. On this point, academics have fluctuated between various approaches, without reaching a shared approach, and provisions concerning the issue have a limited scope.¹² As a legal definition is lacking, courts have been mainly charged with the task of recognising a religious nature to ‘new’ faith communities and they have struggled to define uniform standards. Since the 1990s, judicial boards have faced the issue with specific regard to the case of Scientology. They have thus tried to set some basic standards, which have revolved around the existence of a public acknowledgement, a common view and the bylaws of an orga-

¹¹ Boucher, “Exemptions to the Law,” 167.

¹² Academics resorted to quantitative, historical, sociological, psychological, and self-referential arguments. See Vincenzo Pacillo, *I delitti contro le Confessioni religiose dopo la legge 24 febbraio 2006, n. 85. Problemi e prospettiva di comparazione* (Milan: Giuffrè, 2007), 69. See Legislative Decree no. 251 of 2007, Article 8, which has developed an expansive definition of religion including the “theistic, non-theistic and atheistic” beliefs.

nisation,¹³ with a view to avoiding the double risk of a blanket self-referential approach, and excessive administrative discretion.¹⁴

According to a textualist approach, in the US context, the constitutional clauses expressly focus on religious protection. Furthermore, the Supreme Court has traditionally showed hesitancy to define religion with regard to constitutional protection.

However, many questions on the status of atheism arise from an interpretation of the Religion Clauses (Establishment Clause and Free Exercise Clause) swinging between separationism and accommodationism. Although academics have focused on the definition of the basic core of religion, circuit courts have striven to provide workable standards, fluctuating between a functional and an analogical approach. On this point, the Third Circuit Justice (Adams) proposed a three-pronged test. According to such a test, the notion of religion implied a comprehensive system of values which “addresses fundamental and ultimate questions having to do with deep and imponderable matter”, including “the meaning of life and death, man’s role in the Universe, [and] the proper moral code of right and wrong”. Such a test gave significant weight to “any formal, external, or surface signs that may be analogized to accepted religions”.¹⁵

US and Italian Case Law Affecting the Status of Atheism

In earlier US case law, the Supreme Court adopted a broad-minded approach, aimed at expanding the protection of religion beyond the boundaries of theism,¹⁶ together with a strong separationist stance implying the prohibition of any form of public religious coercion:

¹³ Constitutional Court 195/1993.

¹⁴ On this point, the Italian Constitutional Court held that religious communities would be required to demonstrate their religious nature on the basis of their incorporation charter, their purposes and their effective activities (Constitutional Court 467/1992). See Adelaide Madera, “La definizione della nozione di religione ed il ruolo della giurisprudenza: una comparazione fra l’ordinamento statunitense e quello italiano,” *Anuario de Derecho Eclesiástico del Estado* 34 (2018): 555.

¹⁵ *Malnak v. Yogi*, 592 F.2d 197, 207–208 (3d Cir. 1979); *Africa v. Pennsylvania*, 662 F.2d 1025, 1032 (3d Cir. 1981).

¹⁶ Mark Movsesian, “Defining Religion in American Law: Psychic Sophie and the Rise of Nones,” (1 February 2014). Robert Schuman Centre for Advanced Studies Research Paper No. 2014/19, St. John’s Legal Studies Research Paper No. 14-0001, accessed 27 December 2023, <http://dx.doi.org/10.2139/ssrn.2399470>.

We repeat and again reaffirm that neither a State nor the Federal Government can constitutionally force a person 'to profess a belief or disbelief in any religion.' Neither can constitutionally pass laws or impose requirements which aid all religions as against non-believers, and neither can aid those religions based on a belief in the existence of god as against those religions founded on different beliefs.¹⁷

Furthermore, atheism took advantage of an interpretation of the Free Exercise Clause tending to promote the status of religious minorities.¹⁸ Thus, where claims for reasonable accommodation were concerned, courts equated the treatment of religious beliefs and ethical-moral convictions, stating their lack of jurisdiction "in dealing with the fundamental questions of man's predicament in life, in death or in final judgement and retribution"¹⁹ ('constitutional avoidance' cases) and focusing on the specific provisions involved.²⁰ Finally, the Supreme Court acknowledged that whoever professes "a given belief" that can be considered "sincere and meaningful", and that "occupies a place in the life of its possessor parallel to that filled with the orthodox belief in God", has a right to conscientious objection.²¹ Nevertheless, in the *Wisconsin v. Yoder* case, it adopted a more restrictive approach and set the boundaries between claims founded on religious beliefs and mere 'ways of life', which cannot be extended to the protection grounded in the Free Exercise Clause.²²

Since 1990, after the landmark decision *Smith*,²³ religious protection has been increasingly regulated through federal and state laws (RFRA, RLUIPA), expanding its scope and limits beyond the traditional boundaries of religion. Lawmakers have been charged with the task of fairly balancing rules and exemptions, and assessing religious burdens with the risk of undermining public policies.²⁴ In this view, certain lower courts have adopted a new promising judicial trajectory. They have

17 *Torcaso v. Watkins*, 347 U.S. 488 (1961).

18 Adelaide Madera, "Dealing with Atheism: una lettura alternativa dei rapporti fra Stato e Confessioni nell'ordinamento statunitense," *Quaderni di Diritto e Politica Ecclesiastica* 3 (2019): 859.

19 *United States v. Seeger*, 380 U.S. 163 (1965).

20 "Constitutional avoidance cases" were decisions where the Supreme Court, according to a well-established judicial doctrine, avoided facing controversial constitutional issues, as it was not strictly necessary, and provided a narrowly tailored legal response based on statutory grounds. Christopher Lund, "Religion is Special Enough," *Virginia Law Review* 103 (2017): 508.

21 *United States v. Seeger*, 380 U.S. 163 (1965); *Welsh v. United States*, 398 U.S. 333 (1970).

22 *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

23 *Employment Division, Department of Human Resources of Oregon v. Smith*, 494 U.S. 872 (1990).

24 Jonathan P. Kuhn, "The Religious Difference: Equal Protection and the Accommodation of (Non)-Religion," *Washington University Law Review* 94 (2016): 29.

taken advantage of the Equal Protection Clause (Fifth Amendment) to equate the treatment of ethical-moral claims for accommodation and religious claims.²⁵

The implementation of an equality standard has led lower courts to emphasise the comparability between religious and philosophical-ethical challenges, resulting in the reasonableness of “parallel” forms of protection, which would mitigate the issue of the legal notion of religion in the American narrative, sidestepping it and recognising that “strongly held ideologies and deep commitments” deserve comparable treatment.²⁶ Enhancing a sort of “similarly situated standard”, courts found that “religiosity ‘cannot be a complete answer’ where [. . .] two groups with a shared attribute are similarly situated ‘in everything except a belief in [a] deity’.”²⁷ The judicial reasoning of the courts resumed the Supreme Court’s arguments in the *Welsh* and *Torcaso* cases, and extended it to the collective dimension of non-religion. The Courts sidestepped the definition of religion and focused on the comparability of the “precise attribute selected for accommodation” statutorily provided,²⁸ which resulted in the unreasonableness of a disparate treatment between religious and secular claims.²⁹

In Italy, the transition from a narrow-sighted theistic interpretation of the constitutional text to full pluralism has been a troubled process, due to the catholic influence on political and judicial discourse. The scholars’ main approach was that constitutional provisions protecting religious freedom do not cover non-religion, which finds protection under a more general constitutional guarantee of freedom of expression (Article 21). Early case law shows an intolerant and discriminatory approach towards atheism: non-religious witnesses who refused to swear during trials, calling for conscientious protection, were subject to criminal sanctions; courts preferred religious parents to atheists in cases concerning child custody, and in a milestone case, an Appeal Court acquitted a catholic bishop of defamation as he defined two partners who celebrated a civil marriage (without a religious celebration) as “public concubines”.³⁰ A significant change occurred in 1979, when the Constitutional Court declared the unconstitutionality of the provi-

25 *March for Life v. Burwell*, 128 F. Supp. 3d 116 (D.D.C. 2015); *Center for Inquiry, Inc. v. Marion Circuit Court Clerk*, 758 F.3d 869 (7th Cir. 2014).

26 Christopher L. Eisgruber and Lawrence G. Sager, *Religious Freedom and the Constitution* (Cambridge: Harvard University Press, 2007), 6.

27 *March for Life v. Burwell*, 128 F. Supp. 3d 116 (D.D.C. 2015).

28 Sarah Kim, “To Exempt or Not Exempt: Religion, Nonreligion, and the Contraceptive Mandate,” *San Diego Law Review* 54 (2019): 793.

29 Christopher L. Eisgruber and Lawrence G. Sager, “Religious Freedom,” 826–830; Kuhn, “The Religious Difference,” 8.

30 Rossella Bottoni and Cristiana Cianitto “Is Nonreligion a Religion? Italian Legal Experience,” in *Nonreligion in Late Modern Societies*, 49–69.

sion of the Criminal Code imposing the oath on god and connected the protection of atheism not only to freedom of expression (Article 21) but also to Article 19 (freedom of religion). For the very first time, the Constitutional Court found that “the prevailing opinion includes freedom of conscience of non-religious individuals within the broad protection of religious freedom guaranteed by Article 19 of the Constitution”.³¹ The above-mentioned decision should have represented a point of no return in the evolution of religious freedom. However, the right of atheist propaganda has been challenged until recently, giving rise to a judgement reiterating its protection under Article 19 of the Constitution on an equal footing with religious propaganda.³²

Atheist Challenges Concerning Public Financial Support of Religion

In both legal systems, further atheist challenges have concerned public financial support of religion and religious symbols. In the US context, such claims have revolved around the Establishment Clause, its controversial interpretation and the risk of religious coercion to the detriment of minorities. In earlier case law, the Supreme Court adopted a strict separationist approach, founded on two ‘pillars’: governmental neutrality and noncoercion.³³ At first, atheist claims gave a significant contribution to the secularisation of public education and the removal of any religious implication, as the Supreme Court established those elements that gave rise to undue endorsement of religion and excessive entanglement between the government and religious aims.³⁴ Indeed, two of the three prongs (purpose and effect) of the Lemon Test,³⁵

³¹ Constitutional Court no. 117/1979.

³² Civil Cassation, ordinance no. 7893/2020. See Silvia Baldassarre, “Gli atei sono una minoranza religiosa? La condizione giuridica dell’ateismo in Italia e in alcuni paesi dell’Unione europea,” *Stato Chiese e Pluralismo Confessionale* 13 (2021): 67, accessed 18 May 2023.

³³ Michael Blank, “Distestablishing Deism: Advocating Free Exercise Challenges to State-Induced Invocations of God,” *Washington University Journal of Law & Policy* 31 (2009): 169.

³⁴ *McCullum v. Board of Education*, 333 U.S. 203 (1948); *Abington Township v. Schempp*, 374 U.S. 203 (1963).

³⁵ *Lemon v. Kurtzman*, 403 U.S. 602 (1971). The decision established the Lemon Test, according to which legislation affecting religion is consistent with the Establishment Clause if a) the statute concerned has a secular purpose; b) the principal effect of the statute is neither to promote nor to inhibit the free exercise of religion; c) the statute does not result in “excessive government entanglement” with religion.

which became the bastion preventing governmental action from resulting in the promotion of religion, originated in *Abington Township v. Schempp*.³⁶

Specifically, such a standard of review was adopted to adjudicate cases concerning the access of religious institutions to public funding. Starting from *Everson*, the Supreme Court excluded faith-based institutions from direct public funding and seriously scrutinised cases concerning “pervasively sectarian institutions”, where the risk of church-state entanglement was higher.³⁷

However, during the last 30 years, the separationist approach has undergone a gradual erosion and has been replaced with a more benevolent standard of review toward religious institutions, which has imposed equal treatment of religious and secular undertakings. Prioritising the Free Exercise Clause in conjunction with the Equal Protection Clause in recent case law, the Supreme Court found that the exclusion of religious institutions from government funding, aimed at endorsing secular aims solely because of their religious identity, resulted in a constitutional infringement as it gave rise to religious discrimination.

Although, at first, such a reasoning was adopted with regard to a specific case concerning strictly secular use of governmental funding,³⁸ in recent case law, the Court reiterated such an approach, making the distinction between “discrimination on the basis of religious status” and “use-based discrimination” more blurred and gradually expanding the access of religious institutions to public support.³⁹ The Establishment Clause is thus increasingly receiving a “narrow” interpretation, aimed at merely “reinforcing” religious protection guaranteed through the Free Exercise Clause.⁴⁰ Such a religion-friendly judicial approach has gone hand in hand with an alarmingly increasing limitation of the dissenting voices’ right to challenge government action endorsing religion. In *Hein v. Freedom from Religious Foundation*, the Supreme Court ruled that taxpayers cannot exercise their “standing to sue” against the constitutionality of expenditures of the executive.⁴¹

36 The *Abington* case was about the claim of a parent, affiliated to Universal Unitarism, against a daily school sponsored bible reading and recitation of a christian prayer. The Court found an undue use of public resources and premises to promote religion. In *Mc Collum*, a case about optional religion courses in state education curricula, an atheist parent claimed against the undue use of educational materials and premises to endorse religion.

37 *Everson v. Board of Education*, 330 U.S. 1 (1947). Quillen, “Atheist Exceptionalism,” 32–90.

38 *Trinity Lutheran Church of Columbia, Inc., v. Comer*, 137 S. Ct. 2012 (2017).

39 *Espinoza v. Montana Dept. of Revenue*, 140 S. Ct. 2246 (2019); *Carson v. Makin*, 142 S. Ct. 1987 (2022), at 2001. Ira C. Lupu and Robert W. Tuttle, “The Remains of the Establishment Clause,” *Hastings Law Journal* 74 (2023): 1763–1812.

40 Angela C. Carmella, “Progressive Religion and Free Exercise Exemptions,” *Kansas Law Review* 68 (2020): 564.

41 *Hein v. Freedom of Religion Foundation, Inc.*, 551 U.S. 587 (2007).

The case concerned the constitutional consistency of the so called ‘Faith-Based Initiatives’, which allowed faith-based welfare organisations to have access to public support for their charitable activities on an equal footing with their secular counterparts. With a view to setting the boundaries of the ‘injury in fact’ justifying taxpayer action, the Court upheld a controversial and slight distinction between specific congressional appropriations and expenditures of the executive branch (which fall within the ordinary activities of the executive and are covered by a broad discretion) to restrict the *Flast* exception, which traditionally governed the standing to sue in Establishment claims.⁴² Furthermore, in *Arizona Christian School Tuition Organization v. Winn*, the Court held that taxpayers have no standing to challenge a programme that provided tax credits to those who made donations to school tuition organisations providing scholarships to students attending private (including religious) schools.⁴³ Here, the Court carefully analysed the “ability of third-party state taxpayers to challenge the constitutionality of a state’s treatment of other taxpayers”, in order to underline the distinction between direct government action (which can give rise to a taxpayer’s injury for standing purposes, where “their property is transferred through the government treasury to a sectarian entity”) and tax credits.

In the latter case, religious promotion was determined by private choices, excluding a conscientious injury attributable to a direct government action. The restriction of the scope of the standing doctrine, and a serious investigation into the occurrence of religious coercion upon taxpayers risks weakening the interests protected by the Establishment Clause, to the detriment of minorities, including atheism.⁴⁴ The new judicial approach, aimed at accepting the access of religious institutions to public support, in conjunction with increasing restrictions to an individual’s right to challenge alleged violations of the Establishment Clause through “procedural” judicial responses, risks prioritising majoritarian views and convictions.⁴⁵ Instead, minorities are experiencing a restriction of their fundamental right

⁴² *Flast v. Cohen*, 392 U.S. 83 (1968); Ira C. Lupu and Robert W. Tuttle, “Ball on a Needle: *Hein v. Freedom from Religious Foundation, Inc.*, and the Future of Religious Clause Adjudication,” *B.Y.U. Law Review* 119 (2008): 115.

⁴³ *Arizona Christian School Tuition Organization v. Winn*, 563 U.S. 125 (2011).

⁴⁴ Lupu and Tuttle, “Ball on a Needle,” 120–134.

⁴⁵ See *Elk Grove Unified Sch. Dist. v. Newdow*, 542 U.S. 1 (2004), where the court rejected an atheist claim against the recitation of the Pledge of Allegiance (including the words “under God”) in the educational context on procedural grounds (denial of the standing to sue to the plaintiff). Quillen, “Atheist Exceptionalism,” 106–147.

to standing, which has traditionally counterbalanced their inability to have effective weight in political choices.⁴⁶

In the Italian legal context, the issue of access to public funding has revolved around a complex constitutional model, giving rise to selective pluralism and disparate treatment of minorities. Indeed, the binary between equality and diversity is due to an asymmetry between a broad recognition of equal freedom to all religious denominations (Article 8.1) and the progressive restriction of the effective recipients of the further levels of protection granted by Article 8.2 (self-regulation) and Article 8.3 (access to bilateral agreements).⁴⁷ As a matter of fact, such an asymmetric model of the management of religious pluralism has resulted in privileging religious communities that entered into an agreement with the state (which guarantees access to indirect public funding and resolution in advance of conflicts of loyalty between general provisions and religious duties). As an updated law regulating religious freedom is still lacking, the legal treatment of religious minorities that did not enter into an agreement is provided by law No. 1159/1929. Although this law is still in force to some extent, it is an expression of an outdated legal framework (dating back to the fascist era) in which the catholic religion was the established religion and the government kept pervasive control over religious activities.

Over time, atheism has gained an increasingly ‘militant’ dimension as an associative reality, which urges the lawmaker to change the current legal framework and presses for full implementation of the constitutional text, with a view to obtaining an equalisation of its legal treatment to that of religious communities.⁴⁸ For many years, the *Unione degli Atei e degli Agnostici Razionalisti* (Union of Atheists and Rationalist Agnostics – UAAR), a philosophical association, independent from any political party, aimed at promoting the achievement of effective secularism in Italy and at promoting agnostic and atheist views, has challenged the government’s decisions. Such decisions have denied that atheism could be equated to a religious group and enjoy the advantages related to the religious status. Indeed, in 1996, this group called for the right to enter into an agreement with the state for the very first time. Courts adopted divergent approaches to the issue.⁴⁹ In 2016, the Constitutional Court denied the access of an atheist organisation (UAAR) to an agreement, raising an extremely divisive argument: the government has discretionary power

46 Frederick M. Gedicks, “The Recurring Paradox of Groups in a Liberal State,” in *Utah Law Review* 47 (2010): 47.

47 Giuseppe Casuscelli, *Concordati, intese e pluralismo confessionale* (Milan: Giuffrè, 1974), 151.

48 Francesco Alicino, “Can Militant Atheism Shape the Legal System?,” in *Nonreligion in Late Modern Societies*, 71–92.

49 See Administrative Court of Lazio, no. 12539/2008; Council of State, Fourth Section, no. 6083/2011; Civil Court of Cassation, no. 16305/2013.

to decide whether or not to open negotiations with an applicant group with a view to entering into an agreement.⁵⁰

In its reasoning, the Constitutional Court unduly extended the range of political acts, which are not subject to judicial second-guessing. Indeed, according to the court, the decision to start negotiations is political in nature and is not subject to judicial review. So, according to the above-mentioned judicial reasoning, the Italian government can assess the suitability of a religious community's request to start negotiations. Furthermore, such a political assessment is immune to judicial second-guessing of the reasoning underlying the governmental decision making.

Such a judgment underlined a clash with the principle of religious pluralism underpinned by Article 8.1 of the Constitution, affirming equal freedom for all religious denominations, with a short-sighted perception of the method of bilateralism, where the government enjoys an uncontrolled power of "selecting religious partners".⁵¹ According to this view, a limited number of faith communities enjoy a higher level of protection of the collective dimension of religious freedom, and the scope of other constitutional provisions, which might incorporate under their protective coverage religious, philosophical, ethical organisations, is unduly minimised.⁵² Finally, the judicial reasoning emphasised tricky questions: what is a religious denomination? Who is charged with the task of defining what a religious denomination is? Can a denomination be atheistic?⁵³ As is known, the Council of Ministers held that atheism cannot be compared to a religious denomination. Courts have provided conflicting responses to the issue, and the Constitutional Court has sidestepped the issue, focusing on the claim for a "right to an agreement".

Such an approach is far from being "even-handed"⁵⁴ as it renders bilateralism increasingly dependent on political decision making, giving rise to the risk of expanding privileged treatment of mainstream traditional religions. In this view, the Italian model is inconsistent with the guidelines that the European Court of Human Rights (ECtHR) provided in its case-law. Although the ECtHR has tradition-

⁵⁰ Constitutional Court no. 52/2016.

⁵¹ Antonio Ruggeri, "Confessioni religiose tra iurisdictio e gubernaculum, oververosia l'abnorme dilatazione dell'area delle decisioni politicamente non giustiziabili (a prima lettura di Corte Cost. n. 52 del 2016)," *Federalismi* 7 (2016): 9.

⁵² Gianfranco Macrì, "Il futuro delle intese (anche per l'UAAR) passa attraverso una legge generale sulla libertà religiosa. Brevi considerazioni sulla sentenza della Corte Costituzionale n. 52 del 2016," *Osservatorio Costituzionale* 3 (2016): 1.

⁵³ Emanuele Rossi, "Le confessioni possono essere atee? Alcune considerazioni su un tema antico alla luce di vicende nuove," *Stato Chiese e Pluralismo Professionale* 27 (2014): 1, accessed 18 May 2023.

⁵⁴ Nahshon Perez, *Wordly Politics and Divine Institutions. Contemporary Entanglements of Faith and Government* (New York: Oxford University Press, 2023), 110.

ally adopted self-restraint with regard to the member states' models of church-state relations, holding that national authorities are better placed to define how human rights can be implemented in a specific legal, historical, political, cultural and social context, it provided a set of common values that should underpin domestic legislation. First, the ECtHR found that all convictions or beliefs that are of sufficient cogency, seriousness, cohesion, and importance, enjoy the protection of Article 9 of the European Convention of Human Rights (ECHR).⁵⁵ Moreover, the ECtHR held that, although the conclusion of agreements between a state and faith communities is not in contradiction with Articles 9 and 14 of the ECHR, and states are not charged with the duty of providing a standardized legal status for all religious communities, a system of church-state cooperation has to comply with the principle of non-discrimination.⁵⁶

According to this perspective, the ECtHR on many occasions reiterated that state regimes providing for differentiated treatments between different beliefs and faith manifestations are subject to strict scrutiny in order to ensure differences between the various groups relating to the enjoyment of material advantages are based on reasonable and objective justifications and comply with the standard of proportionality.⁵⁷ Thus, if “a state sets up a framework to which a specific status is linked, all religious groups which so wish must have a fair opportunity to apply for this status and the criteria established must be applied in a non-discriminatory manner”. The need for a rigorous application of the principle of non-discrimination will be more compelling when “the advantage obtained by religious societies is substantial and this special treatment undoubtedly facilitates a religious society’s pursuance of its religious aims”.⁵⁸

Atheist Challenges Concerning Religious Symbols

In the US context, many atheist claims have concerned the public visibility of religion in public spaces and petitioners have tried to demonstrate the injury they suffered from exposure to religious displays. However, courts have been reluc-

55 ECtHR, Grand Chamber, *Bayatyan v. Armenia*, app. 23459/03, 7 July 2011.

56 Françoise Tulkens, “Questioni teoriche e metodologiche sulla natura e l’oggetto delle sentenze della Corte europea dei diritti dell’uomo,” in *Diritto e religione in Europa*, edited by Roberto Mazzola (Bologna: il Mulino, 2012), 55–86.

57 Françoise Tulkens, “The European Convention on Human Rights and Church-State Relations: Pluralism vs. Pluralism,” *Cardozo Law Review* 30 (2009): 2585.

58 ECtHR, First Section, 9 December 2010 (App. No. 7798/08), *Savez Crkava “Riječ Života” and Others v. Croatia*.

tant to uphold challenges against religious symbols, practices and displays which have traditionally been considered a common heritage.⁵⁹

Indeed, the inclusion of religious symbols, practices and displays in public spaces has been traditionally justified on the basis of the idea of a “civil religion”, namely a national identity grounded in a common set of values. Civil religion has been considered as “a form of religion which gives sacred meaning to national life”, merging views originating from Puritanism and the American Enlightenment.⁶⁰ Influential scholars have underlined that, since the nineteenth century, it has boosted social cohesion, even though it has given rise to an increasingly alarming entanglement between religion and politics.⁶¹ Referring to history, courts legitimised the preservation of longstanding kinds of the so-called “ceremonial deism” in public spaces, such as the opening of legislative sessions with religious prayers, the “In God We Trust” motto on coins, the recitation of the Pledge of Allegiance or the display of nativity scenes in schools.⁶² According to some judicial opinions, the longstanding spread of certain practices has resulted in a dilution of their original meaning, or even in their conversion into a merely historical-cultural heritage, aimed at solemnising public occasions.⁶³ However, setting the boundaries between historical and religious elements of a symbol is a tricky issue.⁶⁴

Recently, the Supreme Court has increasingly resorted to the argument of civil religion to justify the visibility of various kinds of religious expression in public spaces, disregarding their growingly divisive impact, due to their prevailing Judaic-Christian meaning, which is no longer a driver of cohesion in an increasingly pluralistic society. Such an approach has recently been reiterated in the American Legion case, where the Supreme Court held that the display of the Bladensburg Cross on public land did not infringe the Establishment Clause, rejecting the request for removal from an atheist organisation.⁶⁵ Bypassing the Lemon Test, the majority opinion focused on the historical meaning of such a religious display, drawing a problematic distinction between ancient monuments

59 *Salazar v. Buono*, 559 U.S. 700 (2010); *Van Orden v. Perry*, 545 U.S. 677 (2005); *Pleasant Grove City, Utah, et al. v. Summum*, 555 U.S. 460 (2009); *Town of Greece v. Galloway*, 572 U.S. 565 (2014).

60 Derek H. Davis, “The Interplay of Law, Religion and Politics in the United States”, in *The Oxford Handbook of Church and State in the United States*, edited by Derek H. Davis (Oxford and New York: Oxford University Press, 2010), 509.

61 Robert Bellah, “Civil Religion in America”, *Daedalus* 96 (1967): 1.

62 Luca Pietro Vanoni, Il processo di secolarizzazione e le corti: il pluralismo fra neutralità e argomento storico, in “I simboli contesi,” 110.

63 Lee v. Donnelly, 465 U.S. 668, 693 (1984) (O’Connor, J., concurring).

64 Luca Pietro Vanoni, “Il processo di secolarizzazione e le corti,” 113.

65 *American Legion v. American Humanist Association*, 588 U.S. (2019).

and displays whose historical-cultural significance grows over the course of time and new forms of religious manifestation.⁶⁶ According to the majority, the legitimacy of the religious display is connected with the passage of time from its erection, which gives rise to a difficulty in identifying its original meaning. Furthermore, although such a war memorial may have originally served a purpose permeated by religion, the passage of time has enriched its cultural and historical meaning, weakening the religious meaning, as familiarity becomes the main reason for their preservation. The local community thus gained a margin of discretion with regard to public spaces within their jurisdiction and symbolic displays exposed in social areas, and a removal of the monument could be perceived as religious-unfriendly to the local community, as the religious and historical and traditional meanings are so strictly intertwined.⁶⁷

From this point of view, the majority opinion adopted a conservative approach that upheld the “social acceptability”⁶⁸ of the public visibility of mainstream religions, eroding the “neutrality commitment” underlying the Establishment Clause and giving rise to an undue endorsement of religion.⁶⁹ Furthermore, the “historical filter”⁷⁰ promoted a selective pluralism, where only majority symbols and displays gained legitimacy in public spaces, to the detriment of the excluded minorities. The court thus seems far from extending a right to public visibility to minorities, from implementing a non-preferentialist approach or from adopting a similarly-situated standard of review to guarantee reasonable accommodation of all beliefs and convictions. Furthermore, justices’ perception of history and tradition, replaced the “perspective of the reasonable observer”,⁷¹ emphasising an increasingly sceptical approach toward the idea of an “offended observer”, and imposing a plaintiff’s burden to demonstrate “injury-in-fact, causation, and redressability” to have a standing to sue.⁷²

The Supreme Court’s approach in the *American Legion* case can be compared with an ECtHR judgement regarding Italy, where the Grand Chamber held that the mandatory display of a crucifix did not violate the Convention, with specific regard

66 Micah Schwartzman and Nelson Tebbe, “Establishment Clause Appeasement,” *Supreme Court Review* 1 (2019): 271.

67 Perez, “Wordly Politics,” 83.

68 Quillen, “Atheist Exceptionalism,” 192.

69 *American Legion*, Ginsburg, dissenting, 2.

70 Quillen, “Atheist Exceptionalism,” 192.

71 Ira C. Lupu and Robert W. Tuttle, “A Splintered Court Leaves the Bladensburg Cross Intact,” *Scotusblog*, June 21, 2019, accessed 18 May 2023, <https://www.scotusblog.com/2019/06/symposium-a-splintered-court-leaves-the-bladensburg-cross-intact/>.

72 *American Legion*, (Gorsuch, concurring), 2.

to Article 9 ECHR and Article 2 of Protocol No. 1.⁷³ Before reaching the ECtHR, the Lautsi case was adjudicated before the administrative domestic courts,⁷⁴ which rejected Mrs Lautsi's claims for a removal of the crucifix from the classroom of the lower secondary school her children attended, finding that the crucifix expresses social values common to believers and non-believers, such as dignity, tolerance and freedom, does not contradict state secularism, and instils refusal of fundamentalism in pupils.⁷⁵ At a first stage, the second section of the ECtHR's ruling condemned Italy for violating Article 9 ECHR and Article 2 of Protocol No. 1. According to the section's reasoning, among the plurality of meanings, the religious meaning of the crucifix was predominant. Furthermore, not only does negative religious freedom imply the absence of religious services and education but also a full neutralisation of the educational context from symbolism expressing beliefs, convictions and religions. The display of a christian religious symbol undermined the rights of parents to educate their children according to their convictions and compromised children's negative religious freedom, which deserved special protection as they were coercively exposed to religious symbols, which they could not avoid without suffering disproportionate effort and sacrifice (the option of attending a private institution). Such a judgement was reversed by the Grand Chamber.

Affording a broad margin of appreciation to the Italian state, the Grand Chamber defined the crucifix as a passive symbol, which does not give rise to religious indoctrination. As there is nothing to suggest an intolerant approach toward other faiths (the presence of the crucifix is not associated with compulsory christian teachings, the educational environment is open to other religions, pupils are allowed to wear religious symbols and garments), the "greater visibility" of the crucifix has not infringed Italian conventional obligations under the ECHR. There is little doubt that such a judgement was the outcome of the strong support the Italian state received from multiple actors. Indeed, 20 countries had officially expressed their support for Italy's appeal against the ruling, in conjunction with the Vatican, the Orthodox Church and American conservative evangelicals. In 2021, the issue of the crucifix in the classroom came under judicial scrutiny again in Italy.⁷⁶ Although

⁷³ ECtHR, Grand Chamber, *Lautsi v. Italy*, App. No. 30814/06, 18 March 2011.

⁷⁴ Administrative Regional Court Veneto, 17 March 2005, n. 1110; Council of State, 15 February 2006, Section 4575/03–2482/04.

⁷⁵ Marcello Toscano, "La sentenza Lautsi e altri c. Italia della Corte Europea dei Diritti dell'Uomo," *Stato Chiese e Pluralismo Confessionale* October 31 (2011): 31, accessed 18 May 2023.

⁷⁶ Civil Cassation, 24414/2021. The case was about a teacher in a secondary school, who removed the crucifix on the wall of a classroom, as he perceived it as a violation of his freedom of conscience. According to the court, the display does not imply indirect discrimination as passive symbols do not give rise to a religious connection between his teaching and christian values; furthermore, the teacher did not suffer a disadvantaged situation because of his discomfort and his

the Court of Cassation recognised that a provision establishing the compulsory state display of the crucifix is in contradiction with the principle of *laicità* (Article 118 r.d. 30 April 1924, n. 965), it justified its display as the result of free choice on the part of the educational community. The court gave a controversial interpretation of the principles of secularism and indirect discrimination and, paradoxically, changed the common law doctrine of reasonable accommodation into a tool to promote majoritarian views. This gives rise to an accommodation of a tyrannical catholic majority: as a law regulating reasonable accommodation is lacking, who plays the “role of mediation” in such a procedure and how can the inequality of bargaining powers be counterbalanced?⁷⁷ Such a post-secular approach, which justifies the display of majoritarian symbols, is undergoing a dangerous transition in “civil feelings” which go so far as to challenge the freedom of non-religion and to jeopardise the principle that a disparate treatment without an objective and reasonable reason results in discrimination.⁷⁸ Indeed, in Italy the public educational setting is still affected by the Catholic influence, and shows the lack of a full secularisation. Although the constitutional framework granted equal religious freedom to all faiths, the principle of bilateralism legitimised Catholic doctrines as a vital “part” of the Italian cultural heritage (Article 9 of the 1984 Church-State Agreement).⁷⁹ The key issue is that the judiciary is reluctant to dismantle the visibility of Catholic symbolism, whose display is still perceived as socially acceptable in public educational institutions. However, equal protection is not guaranteed to values, symbols and festivities of other faith communities, whose claims still give rise to polarised political reactions. Furthermore, the acknowledgement of a broad margin of freedom to the educational community, which was emphasised by the judiciary when the display of the crucifix was at stake, is just undergoing a drastic reduction where other faiths’ practises are concerned.⁸⁰

cultural disagreement. *Laicità* does not imply the exclusion of religious visibility from the public space, but rather the protection of religious freedom in a regime of religious pluralism.

77 Marcello Toscano, “Il crocifisso ‘accomodato’. Considerazioni a prima lettura di Corte cass., Sezioni Unite civili, n. 24414 del 2021,” *Stato, Chiese e Pluralismo Confessionale* 18 (2021): 67, accessed 18 May 2023.

78 Jlia Pasquali Cerioli, “Senza D.’ La campagna Uaar tra libertà di propaganda e divieto di discriminazioni,” *Stato, Chiese e Pluralismo Confessionale* 9 (2020): 50, accessed 18 May 2023.

79 Marcello Toscano, “La parabola della *laicità* ‘all’italiana’ nelle controversie sull’esposizione dei simboli religiosi nei luoghi pubblici,” in “I simboli contesi,” 136.

80 Earlier this year, the decision of a school to close during Ramadan gave rise to concern and harsh political reactions. The Deputy First Minister defined such a decision as a “unacceptable” (Tom Kington, “School Closure against Italian Values, Say Ministers,” *The Times*, 18 March 2024, <https://www.thetimes.co.uk/article/school-closure-for-ramadan-against-italian-values-say-ministers-66528zsrk>, accessed 18 April 2024). Other ministers expressed concern about a “reverse inte-

Conclusion

Although the idea that “religious beliefs and activities might be specially protected, but not uniquely so” is gaining momentum in post-secular societies,⁸¹ in both legal systems the approach to atheist claims mirrors the inadequacies of their ways to implement an effective pluralism. In earlier US case law, atheism took advantage of a separationist approach to the Establishment Clause, which resulted in successful claims against undue promotion of religion. Furthermore, atheism took advantage of an interpretation of the Free Exercise Clause inclined to promote the status of religious minorities. More recently, a Supreme Court conservative majority has gradually dismantled the separationist approach. Such a judicial turn has had an impact on atheist claims, in contradiction with earlier case law.

A uniform approach to atheism is still lacking, as it fluctuates between conflicting perspectives. On one hand, according to an equal protection approach, non-religion claims deserve a protection comparable to religion on the basis of the similarly situated standard of review. “Removing” the definition of religion “from the equation” and focusing on the concrete interests concerned, such a standard guarantees concurrent accommodation to religion and secular “strongly held ideologies”,⁸² without the need for undue expansion of the traditional paradigm of religion. In this way, the risk of judicial interference in internal church matters is removed and the reasonable accommodation approach (which implies removing the barriers that an apparently religiously neutral and generally applicable law imposes on classes of individuals disadvantaged because of certain features) can be extended beyond the boundaries of religious status and applied to

gration”, which “forces Muslim values on Italian children” (Tom Kington, “Italian Schools Will No Longer Shut for Eid,” *The Times*, 15 April 2024, <https://www.thetimes.co.uk/article/italian-schools-not-close-eid-ramadan-islam-f3cv06pwj>, accessed 18 April 2024). Furthermore, the government is considering the possibility of enforcing a new regulation, aimed at prohibiting school closure on religious holidays, where an agreement between the state and the faith community concerned is lacking. See Adalgisa Marrocco, “Valdidara prepara una norma anti-Ramadan: sarà impossibile chiudere le scuole,” *Huffington Post Italia*, 9 April 2024, https://www.huffingtonpost.it/politica/2024/04/09/news/valditara_una_norma_per_impedire_scuole_chiuse_per_ramadan-15599628/, accessed 18 April 2024.

⁸¹ Cécile Laborde, “Equal Liberty, Non-Establishment and Religious Freedom,” *Legal Theory* 20 (2014): 54.

⁸² Christopher L. Eisgruber and Lawrence Sager, “Does It Matter What Religion Is?,” *Notre Dame Law Review* 84 (2009): 825. See also Movsesian, “Defining Religion.”

other vulnerable groups in a similar situation. Furthermore, new social actors are not tempted to “reframe their claims as religious”.⁸³

The cross-cutting standard of non-discrimination allows religious and philosophical sets of values to enjoy comparable treatment and an equalisation of legal protection. According to case law, although a “state may accommodate religious views, [. . .] this does not imply an ability to favour religions over non-theistic groups that have moral stances that are equivalent to theistic ones except for non-belief in God”.⁸⁴ The flexible legal doctrine of reasonable accommodation thus allows religions and secular groups to be put on equal footing when they “are identical with respect to the attribute selected for that accommodation”.⁸⁵

However, such an approach clashes with the increasing judicial protection of ‘public religion’, which gives priority to majoritarian narratives. Such a conservative view has led the Supreme Court to recognise the compatibility with the constitutional text of symbols and practices that otherwise would have constituted a form of undue promotion of religion. Not only is such an outcome the result of an erosion of the separatist model, but also it is the outcome of the increasing politicisation of religion. Indeed, christian nationalism has given rise to a peculiar interplay between the ‘sacred’ and the ‘secular’ justified in the name of history and tradition, and the conservative wing of the Supreme Court has strongly supported this view.⁸⁶

In Italy, a similar conservative judicial approach was adopted where the public visibility of catholic symbols was concerned. Furthermore, the Constitutional Court’s approach was far from extending equal protection to all kinds of “*deep and valuable commitments*”,⁸⁷ and from resembling the US judicial “similarly-situated” standard.⁸⁸ Where the collective dimension of religious freedom was concerned, it adopted a deferential approach toward the government, declining to make use of a non-discrimination standard in order to carefully assess the reasonableness of a disparate treatment. Furthermore, the Court emphasised the lack of an updated law regulating religious freedom, and providing a legal definition of religion, with a view to calling on the lawmaker to provide an appropriate legal response to new social expectations.

⁸³ Kuhn, “The Religious Difference,” 23.

⁸⁴ *March for Life v. Burwell*, 128 F. Supp. 3d 116 (D.D.C. 2015).

⁸⁵ *Center for Inquiry, Inc. v. Marion Circuit Court Clerk*, 758 F.3d 869 (7th Cir. 2014). Madera, “Dealing with,” 866.

⁸⁶ Quillen, “Atheist Exceptionalism,” 192.

⁸⁷ Eisgruber and Sager, “Does It Matter What Religion Is,?” 826–830.

⁸⁸ *March for Life v. Burwell*, 128 F. Supp. 3d 116 (D. D. C. 2015); *Center for Inquiry, Inc. v. Marion Circuit Court Clerk*, 758 F.3d 869 (7th Cir. 2014).

The Italian legal system thus seems entrapped between the crystallisation of bilateralism and legislative reluctance to play its pivotal role of resolving conflicts and negotiating differences, to the detriment of minorities. Indeed, the Italian legal framework is inconsistent not only with its constitutional principles (Articles 19 and 20 of the Constitution) but also with the European approach. The real problem in the Italian legal system is the lack of an updated law regulating freedom of thought, conscience and religion, providing basic protection to all convictions and beliefs against any kind of discrimination and avoiding the impact of general provisions on faith communities, regardless of their specific needs.⁸⁹ In other European legal systems, there is more detailed regulation concerning the status of religious organisations through a system of registration.⁹⁰ Religious organisations are thus provided with clear standards they have to meet in order to enjoy religious status and the respective regime, and so the risk of an abuse of political discretion is prevented.⁹¹ On this legal basis, a court would be facilitated to recognise whether the state regulation has been applied in a way generating a disparate treatment of comparable communities. Instead, the lack of a general law has prevented the Italian Constitutional Court from adopting a reasoning comparable with the ECtHR's approach, as it has lacked a comparator to assess whether there are objective and valid reasons which justify disparate treatment among similar communities. However, the possibility that Giorgia Meloni's government, sworn in on 22 October 2022, will move towards a progressive approach to the issue is problematic. We cannot forget that, at the moment, a right-wing party with a populist streak has gained a political majority. Thus, in Italy (as in the US context), there is a risk of an increasing politicisation of the issue of religious freedom, and of a more conservative rhetoric, with a view to emphasising the historical element that privileges mainstream religions and marginalises groups less rooted in a given social-political scenario.

Therefore, both legal systems need to make further efforts to move towards an interpretation of the principle of non-discrimination in conjunction with that of religious neutrality to eliminate disparate treatment between mainstream religions and sets of values that cannot be strictly incorporated into the framework of traditional religion. Such an approach implies the search for compromise solutions that allow a reconciliation between sincere conscientious convictions and

⁸⁹ Nicola Colaianni, "Ateismo de combat e intesa con lo Stato," *Rivista AIC* 4 (2014):15.

⁹⁰ Elena Ervas, "The Agreements Between Church and State: The Italian Perspective," *B.Y.U. L. Rev.* (2017): 869–893.

⁹¹ Giuseppe Casuscelli, "La tutela dell'identità delle minoranze religiose deve potersi avvalere di "un giudice e un giudizio" (ancora sulla sentenza della Corte costituzionale n. 52 del 2016)," *Stato, Chiese e Pluralismo Confessionale* 21 (2018): 27, accessed 18 May 2023.

the pursuit of public goals.⁹² There is thus an increasing need to open fruitful “channels of communication”⁹³ between the state and new social actors with a view to “building bridges”⁹⁴ and overcoming every form of marginalisation in civil society as a whole. All sets of values should be given the option to contribute to the promotion of our cultural heritage and to reconstruct social harmony with a view to emphasising a substantial pluralism that should strongly affect our way of living together.

92 Boucher, “Exemptions to the Law,” 200.

93 Javier Martínez Torrón, “COVID-19 y libertad religiosa: ¿problemas nuevos o soluciones antiguas?,” in *COVID-19 y libertad religiosa*, edited by Javier Martínez Torrón and Belén Rodrigo Lara (Madrid: Iustel, 2020), 30.

94 Salvatore Berlingò, “L’affaire dell’UAAR: da mera querelle politica ad oggetto di tutela giudiziaria,” *Stato, Chiese e Pluralismo confessionale* 4 (2014): 22, accessed 18 May 2023.



Part II

Leo Igwe

Adam and Eve or Eva and Eve: Gay Rights and Religious/Non-Religious Public Definitions of Marriage in Ghana

Existing debate has overwhelmingly focused on the role of religion in the conceptualisation of marriage in sub-Saharan Africa. Scholars have noted the enormous influence of religious doctrines on forms and categories of marriage, including how religious beliefs have shaped child,¹ homosexual and heterosexual marriage practices.² Little attention has been paid to non-religious definitions and conceptualisations of marriages and sexual relationships. The fact that religious ideas about gay marriage have elicited responses from non-religious activists and communities has largely been ignored. Atheists, agnostics, or humanists, as the non-religious are variously described, have been vocal and outspoken in criticising the definition of marriage by churches, mosques and other religious bodies. Using interviews from members and other data from the social media accounts of the Humanist Association of Ghana and the concept of deprivatisation of disbelief,³ this chapter shows that religious bodies do not have a monopoly on the definition of marriage and sexual relationships. Humanists in Ghana are active participants in this debate. They have opposed the anti-gay bill which has been passed by the parliament but yet to be signed into law by the president, challenging the religious understanding of marriage.⁴ The chapter argues that such open assertions and public expressions by atheists and agnostics attest to a shifting notion of sexual norms and a plurality of perceptions and definitions of marriage in Ghana.

1 Regim Gemignani and Quentin Wodon. "Child Marriage and faith affiliation in Sub-Saharan Africa: Stylized facts and heterogeneity," *The Review of Faith & International Affairs* 13, no. 3 (2015): 41–43.

2 Leonard Ndzi, "Homosexuality and God's Institution of Marriage: An African Evangelical Perspective," *ShahidiHub International Journal of Theology & Religious Studies* 3, no. 2 (2023): 157–159.

3 Egbert Ribberink, Peter Achterberg and Dick Houtman, "Deprivatization of disbelief?: Non-religiosity and anti-religiosity in 14 Western European Countries," *Politics and Religion* 6, no. 1 (2013): 101–105.

4 This bill, which some parliamentarians proposed in 2021, prohibits same-sex marriage, the engagement in same-sex intercourse and promotion of homosexual activities in Ghana. See Bahar Makooi, "Ghana: Proposed bill threatens homosexuals with long prison terms," last modified 27 October 2021, accessed, 28 December 2023, <https://www.france24.com/en/africa/20211027-ghana-proposed-bill-threatens-homosexuals-with-long-prison-terms>.

Introduction: Ghana and Homosexuality in the News

While addressing an Anglican Church community in February 2021, the president of Ghana, Nana Akufo-Addo, stated that homosexuality would not be legalised under his presidency.⁵ His statement marked a slight shift from an earlier moderate position. In the early days of his presidency, Nana Akufo-Addo had stated that the issue of homosexuality was not on the agenda for Ghanaians. He noted that it would require some strong coalition to change the situation.⁶ But the later presidential declaration at the event in February 2021 elicited thunderous applause from ardent attendees, including clerics.

The pronouncement indicated that the government would lean towards the position of the church and other religious bodies in the definition of marriage and the determination of the legality or illegality of same-sex union in Ghana. As in other African countries such as Nigeria, Kenya and Uganda,⁷ the issue of same-sex relationships has been widely debated and reported in the Ghanaian media.⁸ These media reports have highlighted discussions and perspectives, agreements and disagreements, propositions and oppositions to the criminalisation and decriminalisation of homosexuality and same-sex relationships. One of the reports noted the raid and closure by Ghana security forces of the office of the Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) rights group in Accra.⁹ Others drew attention to how the recognition of gay rights was at odds with African cultural

5 Kenneth Awotwe Darko, “Same-sex marriage will never happen under my Presidency – Akufo-Addo,” last modified 27 October 2021, accessed 28 December 2023, <https://www.myjoyonline.com/same-sex-marriage-will-never-happen-under-my-presidency-akufo-addo/>.

6 “Homosexuality not on Ghana’s agenda – President Akufo-Addo,” last modified 9 December 2019, accessed 27 December 2023, <https://www.africanews.com/2017/11/26/homosexuality-not-on-ghana-s-agenda-president-akufo-addo/>.

7 Leo Igwe, “Human Flourishing Beyond Religion: Homosexuality and Atheism in Kenya,” in *Law, Religion and Human Flourishing*, edited by M. Christian Green (Stellenbosch: African Sun Media: 2019), 265–267.

8 “Ghana set to pass anti-LGBT bill criminalising same-sex relations,” last modified 20 July 2023, accessed 12 November 2023, <https://www.rfi.fr/en/africa/20230720-ghana-is-on-the-way-to-ratify-a-bill-criminalising-same-sex-relations>.

9 “Ghana security forces shut down LGBTIQ office: Rights group,” last modified 24 February 2021, accessed 21 November 2023, <https://www.aljazeera.com/news/2021/2/24/ghana-shuts-down-lgbt-of-fice-rights-group>.

norms.¹⁰ In these discussions, the voices and views of religious leaders, religious members of the public and parliament have been dominant. For instance, the spokesperson and representative of the national Imam, Sheikh Aremeyaw Shuaibu, urged the Ghanaian authorities to close down the LGBTIQ office in Accra.¹¹

Religious bodies in Ghana such as the Catholic Church, Christian Council, Pentecostal and Charismatic Council and the Coalition of Muslim Organisation¹² have largely spoken out in support of the bill and registered their opposition to the recognition of the rights of gays in the country. Incidentally, the Catholic Church in Ghana has come out with an ambiguous position supporting the bill but opposing the criminalisation of homosexuality.¹³ A Ghanaian cardinal, Peter Tuckson, has spoken out against the criminalisation of homosexuality. The catholic bishops have stated that they are against the harassment of LGBTIQ persons in the country.

Same-Sex Marriage Debate

Existing research has linked homosexuality and religion in Ghana, arguing that religion limits same-sexual practice and expressions.¹⁴ Scholars have noted that religion influences the politics and perceptions of same-sex relationships.¹⁵ Religious institutions in Ghana have opposed the legalisation of marriage for LGBTIQ

10 Leah Asmelash, “A proposed law in this country would require citizens to report LGBTQ people to authorities,” last modified 13 September 2023, accessed 30 November 2023 <https://www.cnn.com/2023/09/13/africa/ghana-lgbtq-community-fears-cec/index.html>.

11 “Close LGBTQ Accra office, declare your stance – Sheikh Aremeyaw to Government,” last modified 23 February 2021, accessed 21 November 2023, <https://www.myjoyonline.com/close-lgbtq-accra-office-declare-your-stance-sheikh-aremeyaw-to-government/>.

12 “NDC primaries: Muslim organisations back anti-gay MPs,” last modified 9 May 2023, accessed 29 December 2023, <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/NDC-primaries-Muslim-organisations-back-anti-gay-MPs-1763189>.

13 Roberto Igual, “Ghana: Catholic Church flip-flops on LGBTQ+ rights,” last modified 2 December 2023, accessed 26 December 2023 <https://www.mambaonline.com/2023/12/02/ghana-catholic-church-flip-flops-on-lgbtq-rights/>.

14 Seth Tweneboah, “Religion, International Human Rights Standards, and the Politicisation of Homosexuality in Ghana,” *African Journal of Gender and Religion* 24, no. 2 (2018): 26–27.

15 John Anarfi and Angela Gyasi-Gyamrah, “Religiosity and attitudes toward homosexuality: Views of Ghanaian university students,” *Research in the Social Scientific Study of Religion* 25 (2014):194–196.

persons.¹⁶ The religious apparatus has been deployed against the expression and manifestation of homosexual norms. Incidentally, the link between non religion,¹⁷ while same-sex marriage in Africa has not received adequate scholarly attention. Given the heated debate on gay marriage in Uganda, Kenya and Nigeria, and the prominent roles that religious bodies such as the Ghana Pentecostal and Charismatic Council,¹⁸ Christian Council of Ghana and the Ghana Catholic Bishop Conference have played in the discussions,¹⁹ there has not been enough focus by students of religion on this intriguing development on the African religious landscape. Lack of scholarly attention on non-religious definitions of marriage could be attributed to the widely acknowledged invisibility of non-religious persons and groups in the region.²⁰

Religious organisations have been open and public in their proposition regarding and definition of marriage. These propositions have been used to oppose bills on sex education and the rights of LGBTIQ.²¹ However, non-religious groups and activists have not remained mute. In Kenya, atheists rallied against the state ban on a film that was believed to promote homosexuality.²² Individuals who self-describe as humanists or atheists have responded and challenged the positions of religious organisations. Humanists have spoken out against religious homophobia and moves to criminalise same-sex relationships. They have used debates on same-sex marriage to assert their critical and dissenting views, as well as their public objections to religious positions and propositions. Deprivatisation

16 Justice Yaw Adua, *Religion and Homosexuality in Ghana: Assessing the Factors Constraining the Legalisation of Homosexuality in Ghana: A Study of the Klottey Korle Sub-Metropolitan Area of Accra* (PhD dissertation, University of Ghana, 2018).

17 Phil Zuckerman, Luke W. Galen, and Frank L. Pasquale, *The nonreligious: Understanding secular people and societies* (Oxford: Oxford University Press, 2016), 14.

18 “Government must summon foreign diplomats supporting LGBTQ+ in Ghana,” last modified 24 February 2021, accessed 29 December 2023, <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Govt-must-summon-foreign-diplomats-supporting-LGBTQI-in-Ghana-1188379>.

19 “Ghana’s family system strictly against homosexuality – Christian Council,” last modified 25 February 2021, accessed 29 December 2023, <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Ghana-s-family-system-strictly-against-homosexuality-Christian-Council-1188850>.

20 Yonatan N Gez, Nadia Beider, and Helga Dickow, “African and not religious: The state of research on Sub-Saharan religious nones and new scholarly horizons,” *Africa Spectrum* 57, no. 1 (2022): 50–71.

21 “Ghanaian groups oppose introducing sex education,” last modified 1 October 2019, accessed 3 December 2023, <https://www.dailyfinland.fi/worldwide/12695/Ghanaian-groups-oppose-introducing-sex-education>.

22 “Ban on gay film is uncalled for’, says the Atheists in Kenya Society,” last modified 24 September 2021, accessed 29 December 2023, <https://humanists.international/2021/09/ban-on-gay-film-is-uncalled-for-says-the-atheists-in-kenya-society/>.

of disbelief refers to processes of coming out by atheists. The processes entail expressions of anti-religious sentiments and arguing for a removal of religion from the political or public domain. Through such expressions, disbelievers transform “an indifferent ‘non-religiosity’ into an assertive ‘anti-religiosity’”.²³ Scholars of religion have yet to explain how expressions of disbelievers relate to the debate on same-sex marriage in Ghana, especially with surveys suggesting deep religiosity among Ghanaians,²⁴ and existing stereotypical notions and representations of Africans as notoriously religious.²⁵ Expressions of anti-religious sentiments translate these dispositions into assertive and public declarations,²⁶ with consequences on social situations, norms and formations. With this in view, this chapter explains how Ghanaians who are not religious contribute to public discussions on marriage.

Religious and Non-Religious Demographics in Ghana

Ghana is a country where most of the population identifies as religious, and in 2012 Ghana was polled as the most religious nation on earth followed by another West African country, Nigeria.²⁷ Christianity, Islam and indigenous faiths are the main religions. Citing the 2010 government census, the 2019 International Religious Freedom Report states that approximately 71 percent of Ghana’s population is Christian, 20 percent is Muslim, three percent identifies as indigenous/animistic believers, while 6 percent of the population professes other religions or has no religion.²⁸ Statistically, the non-religious in Ghana are in single digits. Christianity and Islam have not always been dominant in Ghana, while religious constituencies have an enormous influence on policies and legislations in Ghana. The Na-

²³ Ribberink, Achterberg and Houtman, “Deprivatization of disbelief?,” 101–105.

²⁴ Harriet Sherwood, “Young more religious than old in only two countries in world,” last modified 13 June 2018, accessed 20 November 2023, <https://www.theguardian.com/world/2018/jun/13/young-more-religious-than-old-in-only-two-countries-in-world>.

²⁵ John Mbiti, *African religions & philosophy* (London: Heinemann, 1990), 1.

²⁶ Ribberink, Achterberg and Houtman, “Deprivatization of disbelief?,” 101–105.

²⁷ Sedefka V. Beck and Sara J. Gundersen, “A gospel of prosperity? An analysis of the relationship between religion and earned income in Ghana, the most religious country in the world,” *Journal for the Scientific Study of Religion* 55, no. 1 (2016): 105–106.

²⁸ US State Department, “2022 Report on International Religious Freedom: Ghana,” accessed 30 December 2023, <https://www.state.gov/reports/2022-report-on-international-religious-freedom/ghana/>.

tional Christian Cathedral has been a divisive issue and has generated heated debate and opposition from some segments of the public. The cathedral project has been noted as an example of religion ‘hijacking’ politics, as a waste of resources, a violation of the secularity of Ghana and a disturbance of its perception as a religiously plural country.²⁹ Ghanaians who profess no religious belief, atheists, agnostics or humanists are in the minority and have very restricted spheres of influence. However, christian, and islamic religious groups have been visible and active in shaping and influencing policies as illustrated in the debate on the criminalisation and non-criminalisation of homosexuality and same-sex marriage.

Anti-Gay Bill and Religious Support in Ghana

On 2 August 2021, the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, also known as the Anti-Lesbian, Gay Bisexual, Transgender, Plus (LGBTQ+) Bill went through a first reading in the Parliament of Ghana. The bill makes it illegal to be gay and to advocate gay rights in the country. The first reading is a stage in legislating a bill and provides opportunities for other parliamentarians to provide input and contribute to the legislation process. Sam Nartey George, a member of parliament from the oppositional National Democratic Congress along with seven other MPs brought in this bill that penalises same sexual relationships. The bill claims to provide proper human sexual rights and Ghanaian family values, and proscribes LGBT and related activities. Homosexuality is already prohibited in the country. The bill is an effort to reinforce the illegality of homosexuality in Ghana. The bill punishes those who encourage homosexuality, including those who defend LGBT persons or publish information on homosexuality. In addition, the National Coalition for Proper Human Rights and Sexual Values is proposing a gay conversion therapy programme that will deploy counsellors and spiritualists “to develop a holistic sexual therapy system for dealing with this problem”.³⁰

The overwhelming impression is that homosexuality is un-African and the move to uphold the rights of gay people and legalise same-sex marriage is a part

²⁹ George M. Bob-Milliar and Karen Lauterbach, “The Politics of a National Cathedral in Ghana: A Symbol of a Corrupted Government, or Reaching Wakanda?” last modified 21 January 2019, accessed 10 April 2024, <https://blogs.lse.ac.uk/religionglobalsociety/2019/01/the-politics-of-a-national-cathedral-in-ghana-a-symbol-of-a-corrupted-government-or-reaching-wakanda/>.

³⁰ Victoria Kissiedu, “A Coalition to outdoor holistic therapy for homosexuality,” last modified 26 September 2019, accessed 30 November 2023. <https://www.graphic.com.gh/news/general-news/a-holistic-therapy-to-deal-with-homosexuals-moses-foh-amaoning.html>.

of the Western agenda.³¹ Support for the bill is an attempt to counter the efforts by the West to impose the gay agenda on Africa. Even though there has not been any confirmed attempt to legalise same-sex marriage, there have been concerns over some covert attempts by Western governments to force African countries to uphold the rights of LGBTQ+ persons and make same-sex relationships acceptable.³² Religious organisations including the Ghana Pentecostal and Charismatic Council, Church of Pentecost, and Advocates for Christ expressed total support for the bill.³³ Other supporters of the bill have been vocal and strident in their opposition to homosexual relationships and same-sex marriage in Ghana. A Christian parliamentarian threatened to beat up the Australian ambassador to Ghana for advocating LGBTQ+ rights.³⁴ The speaker of the parliament, who described himself as a Catholic, stated that he would rather die than see homosexuality legalised in Ghana.³⁵ A Catholic bishop also urged the parliament to legislate against same sex marriage in Ghana because homosexual practices were incompatible with Ghanaian customs and church teachings.³⁶ The Catholic Bishop Conference urged the government not to yield to international pressure by legalising gay marriage in the country.

The Adam and Steve Definition of Marriage

Central to the debate on the LGBTI bill is the definition of marriage and what constitutes a proper and acceptable form of sexual and family relationships. The bill is an attempt to protect and preserve the religious definition of marriage as a union between a man and a woman, otherwise known as the union between

31 Lere Amusan, Luqman Saka and O. Adekeye Muinat, “Gay rights and the politics of anti-homosexual legislation in Africa,” *Journal of African Union Studies* 8, no. 2 (2019): 45–66.

32 Hakeem Onapajo and Christopher Isike, “The Global Politics of Gay Rights: The Straining Relations between the West and Africa,” *Journal of Global Analysis* 6, no. 1 (2016): 21–45.

33 Ryan Truscott, “Ghana Churches Push Law to Combat Promotion of Homosexuality,” last modified 2 October 2021, accessed 20 November 2023, <https://www.christianitytoday.com/news/2021/october/ghana-lgbt-bill-family-values-same-sex-advocates.html>.

34 “‘Fearless’ Sam George claps back at Australian Ambassador on LGBTQ+ legalization,” last modified 3 May 2021, accessed 30 December 2023, https://www.mynewsgh.com/fearless-sam-george-claps-back-at-australian-ambassador-on-lgbtq-legalization/?expand_article=1.

35 Prince Adu-Owusu, “I prefer to die than to see LGBTQ legalised – Alban Bagbin,” last modified 13 June 2023, accessed 31 December 2023, <https://www.myjoyonline.com/i-prefer-to-die-than-to-see-lgbtq-legalised-alban-bagbin/>.

36 Emmanuel Modey, “Catholic Bishop urges Parliament to enact laws against LGBTQI,” last modified 10 April 2021, accessed 30 December 2023, <https://www.graphic.com.gh/news/general-news/catholic-bishop-urges-parliament-to-enact-laws-against-lgbtqi.html>.

Adam and Eve, not Adam and Steve or Eva and Eve.³⁷ The objective of the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill was to protect this form of family and sexual relationships, and ensure that the state did not alter this family formation. The religious definition of marriage rejects a union between Adam and Steve or a union between Eva and Eve. A proper sexual relationship is heterosexual, not homosexual. The Christian and Muslim definitions regard homosexual or same-sex acts, marriage and other relationships as improper, unacceptable, and therefore should be criminalised. The responses and reactions of religious bodies and their parliamentary allies have been overwhelmingly in support of the bill and the tightening of the prohibition of homosexuality and same sex marriage. However, in the past decade, the non-religious public, humanists, and atheists in Ghana are beginning to organise and make their positions known. They have become increasingly assertive and visible in the media. They weigh in and contribute to issues of public interest such as sex education, human rights, and now gay marriage and same-sex relationships. The Humanist Association of Ghana (HAG) has been leading this initiative. HAG has been vocal in challenging the religious idea of marriage and religious opposition to LGBTIQ rights and same-sex marriage in the country.

The Humanist Association of Ghana: Non-Religiosity and Ethical Lifestyles Informed by Reason

The Humanist Association of Ghana was formed at an international conference in Accra in 2012.³⁸ The conference brought together humanists and other non-religious persons from across Nigeria and other West African countries. HAG was not the first humanist association in Ghana. The Rational Center, which started in the 1980s, was the rallying point for all humanists, atheists and agnostics in the country.³⁹ But the group became defunct when the founder, Hope Tawiah, passed away in 2009. HAG's Twitter account states that the organisation promotes ethical

37 Toni Lester, "Adam and Steve vs. Adam and Eve: Will the New Supreme Court Grant Gays the Right to Marry," *Am. UJ Gender Soc. Pol'y & L.* 14 (2006): 253.

38 Chris Stein, "In world's most religious country, humanists rally for secular space," last modified 25 November 2012, accessed 30 December 2023, <https://www.csmonitor.com/World/Africa/2012/1125/In-world-s-most-religious-country-humanists-rally-for-secular-space>.

39 Leo Igwe, "Humanism in Ghana," last modified 11 March 2014, accessed 12 November 2023, <https://www.ghanaweb.com/GhanaHomePage/features/Humanism-in-Ghana-302995>.

lifestyles that are informed by reason,⁴⁰ whilst its Facebook page explains that HAG is a “volunteer organisation of atheists/agnostics living in Ghana who subscribe to humanism as a life stance, and fight to protect human rights and promote critical thinking”.⁴¹ On its website, HAG is described as “an organization of atheists/agnostics living in Ghana who subscribe to humanism as a life stance, fight to protect human rights and promote critical thinking. We believe we can create a better society through discussion and action based on science, reason, and respect for human dignity”.⁴² The website contains posts on various topics including scepticism in leadership, queer love in Ghana, humanist myths and traditions, etc.

In Ghana, going open and public as an atheist or a humanist is fraught with risks and difficulties. Kofi, one of the founding members of the Humanist Association of Ghana recounted to me how he became a humanist:

Though I have held humanist principles without ever knowing humanism. I had been irreligious since I was around the age of 13. That is not to say I was particularly religious from the start. My family believes in some deity of a sort, but they have always given us room to think for ourselves. I was not particularly pressed to attend religious meetings such as church services throughout the time I lived in Accra and when I did visit my hometown, Tema, I was not engaged in any superstitious or cultural activities since that is the domain of adults. This allowed me to entertain ideas without practicing them and then take them apart intellectually to see their deficiencies in attempting to solve human problems both physically and emotionally.⁴³

As Kofi noted, living away from family members was an advantage because it made it possible for him to think independently and explore ideas and outlooks without much pressure or coercion from relatives or community members. Family relationships are very important in Ghana because state institutions are weak. Many humanists rely on their families for social support and educational sponsorship. Thus, going against the grain of family religion and faith could be costly and risky. It has consequences including ostracisation, abandonment, and disinheritance.

⁴⁰ Humanist Association of Ghana (@HumanistsGH), “Humanist Association of Ghana Stands For Humane Values & Ethical Lifestyles Informed By Reason. We Promote Critical Thinking & Human Rights,” Twitter, 30 December 2023, <https://twitter.com/humanistsgh>.

⁴¹ Humanist Association of Ghana, “A volunteer organization of atheists/agnostics living in Ghana who subscribe to humanism,” Facebook, accessed 20 November 2023, <https://www.facebook.com/humanistsGH/>.

⁴² “Humanist Association of Ghana,” accessed 27 December 2023, <https://ghanahumanists.org/index.php/about-us/>.

⁴³ Kwame Kofi, 16 March 2021.

But in the case of Kofi, it was different. As he further explains:

That upbringing allowed me to explore different ideas and question them at home and among my peers. Soon enough, I found myself thinking along atheistic lines before I could apply the term to myself years later. I remember vividly having late-night debates on religion using logic in my high school years at Tema. Though many were fervently religious, they did concede that they would not budge in their belief in a deity; they found my logic and arguments against the existence of gods sound. My conclusion from playing with these different ideas from all over the world led me closer to my current form.⁴⁴

Thus, Kofi attributes his current humanist and atheistic stance to the ability to question and freely explore ideas. Kofi became an atheist when he was at university and as a university student he started yearning for a community of like minds:

I became a full-blown atheist while at university and increasingly needed a community to bond with in a hyper-religious society like my country. That led me to meet up with other freethinkers in Ghana, most of whom were based in Accra. On vacation, I attended a couple of meetings and made great friends. In one such meeting, after our usual philosophical discussions, we agreed that it was not enough to simply be an atheist. What then did we do? It came to a point that we agreed with the humanist worldview and have mostly been living it as a part of our atheistic lives. We founded the Humanist Association of Ghana with that backdrop. We have organised two West African conferences and have been growing ever since.⁴⁵

Another founding member of the Humanist Association of Ghana and currently the vice-president of Humanists International, Mould told me how she became a humanist: “I set out on a journey of objective, personal research and understanding of religion, especially christianity, to convert my European friends and ended up de-converting myself”.⁴⁶

In an article that was published on the Ghana web, using the pen name Lyn, she further noted:

I became an unbeliever in 2007. It started with the idea of yearning for more knowledge on Christianity, specifically, the Catholic religion I grew up in. I was in a Catholic parish and attended primary, and secondary Catholic schools. My mother's side of the family is mainly Catholic and my father's side, Anglican. I was a communicant by age 10 and got confirmed in the Holy Spirit while in my secondary school when I was 18 years old. All my catechism and confirmation classes were my decision. Even at that young age, I wanted to believe in god. I entertained some doubts about religion when my mum died when I was four, but I

⁴⁴ Kofi, March 2021.

⁴⁵ Kofi, March 2021.

⁴⁶ Ros Mould, 12 March 2021.

could not question it because I thought religion must be true since everyone that I knew was religious. It was on my journey of research, and through the will to empower myself with facts about my religion, that I gradually, and painfully, de-converted myself.⁴⁷

But Mould remained a closet atheist until 2012, when she attended the humanist conference in Accra. She further explained:

I declared myself an atheist when I attended my first meeting in 2012 with other atheists and agnostics living in Ghana. Hearing their stories and sharing information made me realise that I had not even scratched the surface of my research and barely knew anything regarding the amount of information and knowledge that was out there. I was not alone or crazy – there are atheists in Ghana! My first-ever international humanist conference that year cemented my non-belief. Ghana was not alone! There were atheists from Nigeria, Sierra Leone and Liberia. I was in awe that we existed across the continent. Since then, my confidence grew and I decided to come out to friends and family. Luckily, I have an open-minded family and loyal friends. Though they do not understand, I am still loved, accepted, and respected for my opinions, unlike some I met through the Humanist Association of Ghana and freethought meetings. Others had been stigmatized, disowned by their families, and even declared witches!⁴⁸

As in Kenya and Nigeria,⁴⁹ social media has been instrumental to the growing visibility of atheists and in connecting sceptics and agnostics in Ghana and other places in the region. Social media shields irreligious Africans from persecution and censorship and enables humanists and atheists to assert their views and present positions on issues of public interest without much fear of retribution. Even though they are in the minority, humanists and other non-religious persons in Ghana have been assertive of their views and opposition, as has been the case with the anti-gay bill.

Countering Religious Definitions of Same-Sex Relationships in Ghana

As individuals and as an organisation, non-religious persons in Ghana responded to the anti-LGBTIQ bill and the move to criminalise same-sex marriage. Kofi told me how, as a humanist, the opposition to the anti-gay bill was a logically necessary step:

47 Lyn Ros, “Why am an atheist – part 1,” last modified 18 May 2014, accessed 20 November 2023, <https://www.ghanaweb.com/GhanaHomePage/religion/artikel.php?ID=309652>.

48 Ros, “Why am an atheist – part 1.”

49 Leo Igwe, “Human Flourishing Beyond Religion: Homosexuality and Atheism in Kenya,” 2019.

Support for the rights of homosexuals is a logical step to take when one accepts that a religious worldview that is used to persecute people for their gender and sexuality is flawed. To be a humanist means to accept humans in all our differences in race, gender, and sex, among others. Equality becomes the operational word and if one wants equality, then one cannot stand by while others are denied basic decency and respect. My journey into LGBTQ+ activism started on my Facebook wall. I made my opinion known to my friends online and family first. That came with a backlash, but that was something I had anticipated, so it was mentally easy to deal with that. However, that is not the same story for other humanists and activists.⁵⁰

Kofi noted that the humanist outlook compelled one to challenge and oppose flawed religious doctrines, especially the idea of sexuality and marriage by religious organisations. He further noted that his opposition to the bill was based on common sense and international law:

The reason for my support and engagement in the discussion is a matter of common sense and international law. What individuals do that does not infringe upon the rights of others should not be criminalized. Any law that prevents anyone from loving whom they want is problematic and not the individuals involved. Any system that seeks to make people's identity illegal is plain wrong and ludicrous, and as such, must be countered with the might of the human intellect and heart till victory in equality is attained and empathy reigns supreme.⁵¹

Humanists are of the view that religious positions and prescriptions, which include their definitions of marriage and proper sexual relationships, are often based on faith and dogma, not common sense, on divine rules and commandants in the sacred texts, not national or international laws. The LGBTIQ bill shows that religious constituencies lobby and campaign to ensure that their positions and propositions become state laws and policies on marriage and sexual norms.

In the same vein, Mould states how she got involved in gay rights activism:

I have been advocating for LGBT Rights personally and more intensely since 2015, when I became Chair of the IHEYO African Working Group and President of the Humanist Association of Ghana. Since then, the LGBT community has had me involved in many programmes. Last year, the LGBT+ Rights Ghana group chose me as a Board Member to assist in the running of the group and I was invited to participate in the event to mark the opening of the first-ever LGBT Office in Accra by the group, which was attended many dignitaries including the Australian Ambassador, Ambassador of the EU to Ghana and the Danish Ambassador. The opening sparked outrage from homophobes in the country.⁵²

⁵⁰ Kofi, March 2021.

⁵¹ Kofi, March 2021.

⁵² Mould, March, 2021.

Before the bill was brought to parliament, faith groups engaged in the mobilisation of their members and constituencies. Mould recounted the role of religious organisations in the move to criminalise same-sex marriage in Ghana:

For years, many religious groups, leaders, and organisations have been against the rights of LGBT+ people, and in recent times since the opening of the LGBT+ Rights Ghana Office, they have put a lot of pressure on the government to shut down the office, arrest the organisers of the event and send foreign diplomats who supported the group back to their countries [. . .]. The National Coalition for Proper Human Sexual Rights and Family Values has been at the forefront of this homophobic campaign. A lawyer, Moses Foh Amoaning, leads the campaign. He intends to start gay conversion therapy and introduce a private membership bill to parliament by the end of March, to prosecute all LGBT+ persons and activists.⁵³

As Mould noted, religious groups have been strongly in support of the clampdown on LGBT persons in Ghana. Religious support for the prohibition of same-sex relationships was predicated on the definition of marriage as a relationship between Adam and Eve, not Adam and Steve or Eva and Eve. Since the bill was brought before the parliament in Ghana, Mould has spoken out internationally against it. She shared a statement with me that she made at a UN session. She said:

In reality, the current anti-LGBT bill under the name “Ghanaian Family Values Bill” seeks to target only perceived or real LGBT persons, which would leave every Ghanaian as a target in one way or another. The Bill infringes on the right to privacy, expression, movement, association, housing and education, etc. Apart from the eight MPs who propagated the bill, some present and past government officials, including the current Speaker of Parliament, have spoken in favour of the bill. They have spoken against the LGBT community and allied groups, individuals, and even the diplomatic corps since the raiding of an LGBT community space in 2021. The office was established to address issues of abuse, and discrimination, and to support the community with medical, legal, and financial aid. There has been intimidation of other Honourable MPs into supporting the Bill and there has not been any opportunity to dialogue with the LGBT community or its allies, despite the strong opposition to the Bill by many Ghanaians with three lawsuits against the Attorney General and Speaker of Parliament pending in court.⁵⁴

In addition, Mould has used her position as a board member of Humanists International to urge foreign organisations to desist from exporting gay hate to Ghana.⁵⁵

This effort by American fundamentalists and far-right evangelical Christian groups to spread their message of hate on the African continent and in my beloved country, when it

⁵³ Mould, March, 2021.

⁵⁴ Roslyn Mould, email message to author, 11 July 2023.

⁵⁵ Humanists International is the global representative body of the humanist movement. See “About Humanists International,” Accessed 29 December 2023, <https://humanists.international/about/>.

has failed in theirs, will not be tolerated [. . .]. Homophobia was foreign to Africans until colonization and here we are again with history repeating itself. As a Humanist, I condemn the actions of these groups in their promotion of hate, inequality, [the] undermining of women's rights to reproductive health, and their [the] imposition of their religious ideas of "family" on us. This reeks of imperialism and a total disregard off[or]human rights.⁵⁶

As noted from the quotation, there is an international religious dimension to the campaign for the criminalisation of same-sexual relationships in Ghana. Humanists have called out these religious groups, especially American fundamentalists, for their role. These fundamentalists are conservative evangelical Christian groups in the US, with bases in Kenya and Zimbabwe that sponsor and promote anti-abortion and anti-gay agendas in Africa.⁵⁷

As an association, humanists and atheists in Ghana have reacted to the bill before the parliament. The president of the association, Boasiako, told a local news agency that the bill was a distraction and not a priority given the socio-economic challenges that Ghanaians were facing. He said that the focus on the bill showed the parliamentarians' lack of understanding of their constitutional duties and responsibilities:

We have a country of 30 million people with a lot of problems on our hands and we are trying to solve them. For the Speaker of Parliament to think of this as a worthy problem to solve or a worthy cause to take especially against your citizens, I do not understand. I do not know where this is coming from. This level of homophobia is just unbelievable coming from somebody who has sworn to serve all the people in Ghana.⁵⁸

Boasiako stated that parliament should not sanction or legitimise hate or intolerance of people of the same sex who love or marry each other. He further noted that the bill violated the human rights of Ghanaians: "Concerning our current laws, what the Speaker is proposing or alluding to is stamping down on freedom of expression, freedom of belief or even of advocating, and they gave us a statement with what they did to the 21 LGBTQ in Ho".⁵⁹ As Boasiako noted, the police

56 Roslyn Mould, "America's Christian Far right should not be exporting their hate to Ghana," last modified 1 November 2019, accessed 20 November 2023, <https://humanists.international/2019/11/roslyn-mould-americas-christian-far-right-should-not-be-exporting-their-hate-to-ghana/>.

57 David Smith, "US evangelical Christians accused of promoting homophobia in Africa," last modified 24 July 2012, accessed 20 September 2023, <https://www.theguardian.com/world/2012/jul/24/evangelical-christians-homophobia-africa>.

58 "Humanist Association of Ghana Slam Parliament's Latest Move Against Homosexuals & Lesbians," last modified 24 June 2021, accessed 20 October 2023, <https://www.peacefonline.com/pages/local/social/202106/447301.php>.

59 "Humanist Association of Ghana Slam Parliament's Latest Move Against Homosexuals & Lesbians," 2021.

arrested 21 persons, 16 females and five males, suspected of being gay. These persons were attending a conference in Ho, a capital city in the Volta region of Ghana. They were charged with unlawful assembly. The court denied them bail several times and later acquitted them due to lack of sufficient evidence for their prosecution.⁶⁰

In the same vein, the Communications Officer of the Humanist Association of Ghana, Okai Allotey, whose Twitter handle has the hashtag *QueerLivesMatter*, told me that HAG joined a campaign for the release of the 21 LGBT rights activists in response to the wave of homophobic bigotry sweeping across the country. The organisation went on national television to condemn the arrest and urged the government to free the activists.⁶¹ The Humanist Association shared this post on its Twitter (X) page: “It has become apparent that our government intends to continue the persecution of LGBT folks and even plans to criminalize advocacy. We were given a taste of this with the detention and continues [sic] persecution of the #HO21”.⁶²

As Boasiako further noted:

This is not just an LGBT rights issue but a power play, an attack on the foundation of any liberal society – freedom of speech and expression, freedom of thought and conscience, as well as freedom to assemble. Anyone who disagrees with or tries to exercise their democratic right to have their views heard is quashed by either fabricated charges or through expensive legal proceedings. We are all to comply or face the wrath of our pseudo-dictators. We must fight this or forever lose the soul of this country to bigotry!⁶³

As the statement from Boasiako has suggested, the bill and the state clampdown on the LGBT community provided humanists and atheists in Ghana with the opportunity to highlight homophobic bigotry, religious dogmatism and oppression. Irreligious Ghanaians used the debate on homosexuality to express their disbelief in religious doctrines and propositions. The bill has given the non-religious constituency in Ghana the chance to foreground the flaws and gaps in religious morality, as well as religious ideas of marriage and sexual relationships.

⁶⁰ Agence France-Presse in Accra, “Ghana court frees 21 arrested for attending May LGBTQ+ event,” last modified 5 August 2021, accessed 20 September 2023, <https://www.theguardian.com/world/2021/aug/05/ghana-court-frees-21-arrested-for-attending-may-lgbtq-event>.

⁶¹ TV3 Ghana, “Arrest of 21 Activists,” accessed 20 November 2023. <https://www.youtube.com/watch?v=ZNc1zWcHyKI>.

⁶² Humanist Association of Ghana, “It has become apparent that our government intends to continue the persecution of LGBT folks,” Twitter, 23 June 2021, 7.34 pm, <https://twitter.com/humanistsgh/status/1407768993214181389>.

⁶³ Antwi Kwabena Boasiako, email to the author, 23 June 2021.

In the same vein, Mould told me that the fight against homophobic bigotry was consistent with the humanist outlook:

Humanism is a life stance that I have chosen. It is devoid of dogmatic, religious or superstitious ways of thought. It embraces scientific, logical ways of thought based on compassion. I believe in the Human rights of all LGBTQI+ people and I believe in fighting for a better world for all, especially marginalised groups such as the LGBT+ community, hence my passion in defending their rights as a Humanist. I believe that people should not be discriminated against, abused, or stigmatized on account of their sexual orientation or gender identity. I believe that homophobia is a form of hate and should be eradicated from society.⁶⁴

Furthermore, the Humanist Association of Ghana joined 16 other NGOs and sent a memorandum to parliament. In the memorandum, they outlined grounds for opposing the bill. They noted that the bill's broad restrictions on expression, assembly, information, and association by criminalising gay rights advocacy undermined the work of human rights organisations in Ghana. The memorandum also noted that restrictions on expression and association put human rights defenders, including humanists and atheists in Ghana, at risk of violence, arbitrary arrests and harassment. They noted that the bill undermined the idea of a family that embraced love and care for one another and infringed on the rights of freedom of speech, right to freedom of religion or belief, right to privacy, right to housing and freedom from discrimination.

Two humanists from the association, Okai-Allotey and Mould, made individual submissions to parliament on the bill. In his submission, Okai-Allotey described the bill as inhuman and a violation of the constitutional rights of Ghanaians. He submitted the following:

This proposed bill essentially curtails the right of Ghanaians to assembly, free speech and joining any organisation of their choice. The bill further criminalizes advocacy for the rights of these sexual minority groups, which is a clear affront to our 1992 constitution. If allowed to be passed, this bill is going to have far-reaching consequences for the rights and freedoms of a lot of Ghanaians. Ghana is a secular country with a religious majority. It bestows upon us the opportunity to protect minority groups, which is the opposite of what this bill seeks to do[. . .] I recommend that this proposed bill be rejected, as it does not accord with Ghana's democratic values of freedom and justice for all its citizens.⁶⁵

In her submission to parliament, Mould noted the bill tried to impose a definition of what is culturally and religiously proper on Ghanaian society, which is culturally and religiously diverse. She stated:

⁶⁴ Mould, March, 2021.

⁶⁵ Justice Okai-Allotey, *Memorandum to the Clerk*, Committee on Constitutional, Legal and Parliamentary Affairs Office of Parliament, Osu-Accra, 30 September 2021.

The Proper Human Sexual Rights and Ghanaian Family Values Bill first proposed by the National Coalition for Proper Human Sexual Rights and Family Values seeks to suggest that they intend to define what is ‘proper’ for Humans in terms of their sexuality and also attempt to define and impose their ideas of what they term to be ‘Ghanaian’. Ghana, as a country, is a diverse and inclusive society of people from various histories, tribes, religious and non-religious belief systems, and cultures, all of which are protected and enshrined in our Constitution and therefore should not be amended or reinterpreted by any number of people to infringe on Human rights.⁶⁶

In her submission, Mould rejected the bill’s idea of what is sexually proper for Ghanaians, noting the diversity and plurality of what could be deemed sexually proper in Ghana. She also pointed out how the bill violated the freedom of religion or belief of Ghanaians:

The Bill would also seek to set Ghana back from achieving Freedom of Religion or Belief (FoRB). . . J. Ghana must be guided by the principles set out in Article 18 of the United Nations Declaration on Human Rights (UNDHR) on the right to freedom of thought, conscience, religion, or belief. Therefore, a group’s rights to FoRB should not infringe on the rights of others.⁶⁷

She further drew attention to shifts and changes in other parts of the world that Christians and Muslims in Ghana could emulate. Mould indicated that unlike Ghana, Christians and Muslims in Europe and America had started shifting their positions and becoming supportive of LGBTI rights and same-sex marriage:

Many Christian groups across the world have also come to understand the importance of upholding the human rights of LGBTI+ persons and acknowledge the damage done to others due to homophobia using religion as a tool. In recent times, the Methodist Church allowed same-sex marriage in a “momentous” vote. As far back as 1978, the Presbyterian Church has called for civil rights for all people, regardless of sexual orientation. Pope Francis made news by voicing his support for same-sex civil unions – legal arrangements that give gay and lesbian couples many of the same rights as married opposite-sex couples. The Catholic Church teaches that, as a person does not choose to be either homosexual or heterosexual, being gay is not inherently sinful. The archbishops of Canterbury and York, Justin Welby and Stephen Cottrell, respectively, said in a joint foreword to “Living in Love and Faith” that the church had caused, and continued to cause, “hurt and unnecessary suffering”. “For such acts, each of us, and the church collectively, should be deeply ashamed and repentant”, wrote the leader of the Church of England and its second-most senior figure. According to a recent survey by the Public Religion Research Center, more than half (52 percent) of American Muslims agreed that “society should approve of homosexuality”. A growing number of Islamic scholars, mainly in the

⁶⁶ Roslyn Mould *Memorandum to the Clerk*, Committee on Constitutional, Legal and Parliamentary Affairs Office of Parliament, Osu-Accra, September 30, 2021.

⁶⁷ Mould *Memorandum to the Clerk*.

West, have started re-examining Islamic teachings on same-sex relationships and whether a blanket condemnation of LGBTQ people is a misinterpretation.⁶⁸

Thus, humanists and other members of the non-religious public in Ghana are involved in the debate on the anti-LGBTIQ bill and use the discussion to register their objections and disbelief in religious ideas, doctrines and notions of marriage and sexual relationships.

Conclusions

We have explored the contested definitions of marriage, including the debates and controversies over religious and irreligious notions, propositions and oppositions to LGBTIQ rights and same-sex marriage in Ghana. To resist the perceived move by Western countries to redefine and impose on Africa their definition of marriage and family values, some parliamentarians sponsored an anti-gay bill. They brought before parliament the Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, which provides harsh punishments for those who advocate gay rights or practice same-sex relationships. This bill, which upholds the religious definition of marriage and proper sexual relationship as heterosexual, or as strictly an Adam and Eve affair, has elicited responses from humanist and human rights groups, whilst religious organisations in Ghana have overwhelmingly rallied in support of the bill and the criminalisation of LGBTIQ rights and same-sex relationships.

Against the impression in religious discourses of the marginality or invisibility of the non-religious in Africa, humanists, atheists, and other members of the non-religious public in Ghana have increasingly been active and assertive of their position and opposition to the bill. They have rallied with other local and international organisations to denounce the provisions in the bill, especially the religious definition of sexual and marriage norms. As a group and as individuals, the non-religious constituency in Ghana has used multiple channels to register its opposition to religious notions of marriage and sexual relationships.

Atheists, agnostics, and other persons who have no religion are partnering with the gay community and other human rights groups to fight bigotry, especially efforts to impose on the people of Ghana the religious idea of marriage as a union between Adam and Eve. By opposing the anti-LGBTI bill, humanists have become active participants in the debate, and key players in the definition and

⁶⁸ Mould *Memorandum to the Clerk*.

redefinition of marriage in Ghana. The non-religious public is suggesting a plurality of marriage and sexual norms, the acceptability of homosexual relationships and a broader definition of marriage beyond a union between Adam and Eve to include a union between Adam and Steve or a union between Eva and Eve.

However, a lot is unknown about the emerging non-religious public in Ghana, how the position and opposition would impact on the legislation of the anti-gay bill, the religious or state definitions of marriage and sexual relationships. How the growing assertiveness of humanists and atheists would shape the religion and state relationship, the perception, and representation of non-religiosity or irreligiosity in a religious nation like Ghana, is a matter for further research and exploration.

Sabrina Testa

The Price of Secularist Activism: Organised Unbelief before the State in Brazil

Introduction

This chapter analyses the strategies that the two main associations of non-believers in Brazil – the *Associação Brasileira de Ateus e Agnósticos* (Brazilian Association of Atheists and Agnostics – ATEA) and the *Liga Humanista Secular do Brasil* (Secular Humanist League of Brazil – LiHS) – put into practice in defence of state secularism.¹ The aim is to reflect on the commitments these associations' course of action entails, and the implications it has for the status of unbelievers in the public realm. We maintain that both the strategies of action chosen by atheist associations and the conditions they encounter from the institutional and legal order are elucidative of the forms and possibilities available for the social existence of unbelievers in Brazil. The analysis presented here is based on multisite ethnographic fieldwork conducted within Brazilian atheist networks between 2016 and 2018, dedicated to studying the collective articulation of an atheist movement in the country *vis-à-vis* the local religious field. The reflections are further supported by research into legal activism carried out by ATEA and LiHS between 2016 and 2021, through the analysis of court case documentation.²

The argument presented here draws from these diverse materials to highlight the dilemmas faced by organised unbelief in its struggle for state secularism in Brazil. It presents a description of the contrast between activists' self-understanding of their status and their cause, and the conditions imposed by the Brazilian state for the pursuit of this very activism. It is stated that the institutional and legal framework that enables organised unbelievers to enter into dialogue with public power

1 This study was financed in part by the Coordenação de Aperfeiçoamento de Pessoal de Nível Superior – Brasil (CAPES) – Finance Code 001.

2 The first period of research led to my PhD dissertation in Social Anthropology: Sabrina Testa, “Oposição e parte: O movimento ateu e o campo religioso brasileiro” (PhD dissertation, Federal University of Santa Catarina, 2020). The second period of research was an extension of the first and was developed during a post-doctoral project carried out at the GSRL (CNRS-EPHE) in 2022. This postdoc was part of a CAPES-COFECUB cooperation project named “Transformations of secularism: new relations between State, society and religion”, which brings together researchers from Brazil and France. The main results of this second research were published in an edited volume: Emerson Giumbelli and Marcelo Camurça, ed., *Transformações da laicidade: Estado, religião e sociedade em relação* (Brasília: ABA Publicações, 2024).

forces the framing of unbelief as a religion and the equating of organised unbelief with a church or a confession. This framing is accepted by activists as a price to be paid to qualify as valid collective actors before the state, even when it runs counter to their self-understanding and is filled with implications for their place and status in public space. That only groups defined as religious can question the state on religious matters (therefore on matters of state secularism) is elucidative both of the difficulties non-believers face in having themselves acknowledged by public powers and of the all-encompassing nature of religion in Brazilian society.

Organised Unbelief and the Religious Landscape in Brazil

Although unbelief is not a novelty in Brazil, the emergence of a collective mobilisation in its name is relatively recent. It was only in the first decade of the new millennium that the first attempts were made to make unbelief the central concern of a so-called collective project. In other words, we are referring here to a set of initiatives in which unbelief is not just an ingredient in a broader political and philosophical programme – as in socialism, anarchism or positivism, all of which have a long history in the country –, but becomes the main slogan and rallying point for mobilisation. Furthermore, we do not refer to unbelievers as such, nor to unbelief as a purely philosophical stance, but to a series of attempts to turn this unbelief into something more than an individual and private conviction or a purely philosophical principle. What is new in a country known for its religious vitality is the emergence of an atheist ‘movement’, which seeks to bring together all those who, in such a context, are willing to affirm their disbelief regarding religious truths and institutions: in a broad way, atheists, agnostics, secular humanists, freethinkers, rationalists and sceptics.

While the emergence of this mobilisation follows the explosion of so-called new atheism worldwide chronologically, in Brazil this happened within a particular context. The Brazilian religious landscape has been undergoing significant changes since the 1980s, marked by a breakdown of catholic hegemony and the diversification of religious affiliation.³ While in 1980, catholics represented 90 percent of the population, in 2010, this percentage dropped to 65, declining to approximately 50 percent by 2019. This decline was partly offset by an increase in the

³ Ricardo Mariano, “Mudanças no campo religioso brasileiro no Censo 2010,” *Debates do NER* 24 (2013): 119–137.

proportion of evangelicals, which in the same period rose from seven to 23 percent and then to 31 percent of the population respectively. A second expanding category was the ‘nones’, which went from just 1 percent of the population in 1980, to 8 percent in 2010, to reach 11 percent in 2019. The picture is completed by an increase in the relative share of other religions – especially spiritism and Afro-Brazilian religions such as *umbanda* and *candomblé* but also jews and muslims, among many others – which went from two percent of the population in 1980, to 4 percent in 2010, and 8 percent in 2019.⁴

Proportionally, the ‘nones’ were the segment with the most notable growth, increasing more than tenfold over the period considered. In this respect, Brazilian researchers, as well as their colleagues in the Euro-American area, draw attention to the imprecise and heterogeneous nature of the category.⁵ It includes not only declared atheists and unbelievers but also the indifferent and, in particular, those who retain their faith in god but do not have a stable affiliation to a particular church or cult or a regular religious practice. Among Brazilian researchers, there is a consensus that the ‘nones’ are, for the most part, neither unbelievers nor indifferent but “unchurched”, that is, individuals who maintain their beliefs and even their religious practices but do so outside any defined institutional framework.⁶ In this context, it is clear that what Philippe Portier qualifies as “sécularistes d’affirmation” constitute a minority within this minority:⁷ atheists themselves represent around 1 percent of the population, a percentage that remained stable between 1980 and 2019. We should note here, however, that in all cases what is measured is the self-declaration of the respondents. So it is not clear to what extent agnostics,

4 The figures for 1980 and 2010 correspond to the demographic census carried out by the Brazilian Institute of Geography and Statistics (IBGE). This is an official body that makes the results of its surveys available in its official website: “Censo 2010 – Resultados”, accessed 21 December 2023, <https://censo2010.ibge.gov.br/resultados.html>. The 2020 census was postponed due to the COVID pandemic and the results have not yet been released. The figures for 2019 come from a survey conducted by the private institute Datafolha, widely reported in the country’s media. The source used here is: “As religiões no Brasil,” Plataforma Religião e Poder, accessed 21 December 2023, <https://religioepoder.org.br/artigo/a-influencia-das-religioes-no-brasil/>.

5 Pierre Bréchon and Anne-Laure Zwilling, “Introduction,” in *Indifférence religieuse ou athéisme militant ? Penser l’irréligion aujourd’hui*, edited by Pierre Bréchon and Anne-Laure Zwilling (Grenoble: Presses universitaires, 2020), 9–17.

6 Regina Novaes, “Os jovens “sem religião”: ventos secularizantes, “espírito de época” e novos sincretismos. Notas preliminares,” *Estudos Avançados* 52 (2004): 321–330; Clara Mafra, “Números e narrativas,” *Debates do NER* 24 (2013): 13–25; Carlos Alberto Steil, “Mapas e hologramas como metáforas para pensar os dados sobre religião no Censo IBGE de 2010: Comentários ao texto Números de Narrativas de Clara Mafra,” *Debates do NER* 24 (2013): 29–37; Faustino Teixeira, “Os dados sobre religiões no Brasil em debate,” *Debates do NER* 14 (2013): 77–84.

7 Philippe Portier, “Conclusion,” in *Indifférence religieuse ou athéisme militant?*, 168–186.

humanists, sceptics or simple non-believers without a defined label chose to define themselves explicitly as atheists or preferred the broader label of ‘no religion’.⁸

If in such a context secularist activism generically adopts the label of atheism, it does so by keeping this definition as broad as possible, so as also to appeal to those situated in the grey zone between avowed atheism and mere indifference.⁹ In this sense, there is a consensus among Brazilian activists that atheism, as they understand it, can only be defined negatively, as the ‘absence’ of belief in god(s), whatever form that absence takes. Beyond that definition – which itself involves a strategy of action – the activism in question is dedicated to the affirmation of religious unbelief as a valid and legitimate position in a context where it is far from evident, much less frequent. According to the 2019 Global Attitudes Survey (Pew Research), in Brazil, 98 percent of the respondents say that god plays an important role in their lives and 84 percent think it is necessary to believe in god to be moral and have good values.¹⁰ In a similar context, the affirmation of unbelief is inseparable from religious criticism. This is not directed at religion in general but at the religions that actually exist and are socially relevant in their own environment. Clearly, it aims at catholicism and the expanding evangelicalism, particularly its pentecostal strands.

Aimed at a minority and articulated by a minority within that minority, the Brazilian atheist movement is loosely articulated in the form of a network and operates mainly through the internet and social networks.¹¹ Despite the obvious difficulties of transcending the virtual world, this mobilisation enabled a few events dedicated to bringing together non-believers, a series of small-scale local groups scattered in different parts of the territory, along with a handful of more or less structured initiatives with limited organisational resources. Although low institutionalisation and instability are undoubtedly the predominant characteristics of the whole, this mobilisation gave rise to two formally constituted organisa-

8 For the same reason, “no religion” is equivalent to “no church” for many respondents. As it is self-declaration that counts, the categories are subject to different interpretations. However, a survey by the Datafolha Institute in 2022 found that nine out of 10 respondents who declare not having a religion claim to believe in a god. Anna Virginia Balloussier, “Datafolha: Brasileiros vão menos à igreja e dão menos contribuições,” *Folha de São Paulo*, last modified June 29, 2022, accessed 15 April 2023, <https://www1.folha.uol.com.br/cotidiano/2022/06/datafolha-brasileiros-vaomenos-a-igreja-e-dao-menos-contribuicoes.shtml#:~:text=Crenças%20no%20Brasil,de%20alguns%20representantes%20dessas%20crenças>.

9 General remarks on non-religious activism in Brazil are mostly based on my PhD dissertation.

10 “Global Attitudes Survey, Spring 2019,” Pew Research, accessed 15 April 2023, <https://www.pewresearch.org/global/question-search/>.

11 For this point, see Ricardo Oliveira da Silva, *O espectro do ateísmo: Construções de uma alteridade antagônica na história do Brasil* (Jundiaí: Paco Editorial, 2022), Kindle edition.

tions, the aforementioned *Associação Brasileira de Ateus e Agnósticos* (ATEA) and *Liga Humanista Secular do Brasil* (LiHS). Both are small organisations, operating with a minimal organisational structure, thanks to the work of a few volunteers and with scarce financial resources. Although they experienced a relative heyday around 2012 to 2015, they are now on the verge of disappearing.

Founded in 2008, the ATEA has become the most active and well-known atheist association in the country. This is mainly due to its activity in the virtual world, especially on social networks, where it gained notoriety for its frontal and provocative communication strategy. It stood out for its humorous and even burlesque content, centred on religious criticism and aimed at the general public. Considered offensive, even discriminatory by its detractors, and superficial by analysts, this type of material proved to be effective in terms of appeal and popularity. The LiHS, on the other hand, was founded by a former ATEA associate who disagreed with such practices. Aligned with Anglo-Saxon secular humanism – it was affiliated with the International Humanist and Ethical Union –, the organisation was oriented towards a more scholarly and less popular audience. With the purpose of endowing non-belief with a positive content, the organisation was concerned with the scientific and philosophical basis of its positions, adopting a quasi-academic character in its communication channels and activities.

Although different in their principles and methods, both organisations have similar objectives. They are dedicated to promoting secular worldviews, combating prejudice against non-believers and defending the secular state as a fundamental element of freedom of belief (which includes the freedom of not to believe). While they have become known for their media activity in favour of the first two objectives, it is the cause of state secularism that is the focus of their most serious efforts and the few resources they have at their disposal. Understood accordingly in terms of ‘separation’ between the affairs of the state and the affairs of religious institutions, this is a banner they have adopted as their own and which they – at least their leaders – consider fundamental for the social existence of unbelievers in a context where religion is omnipresent and often considered a fundamental pillar of social ties.¹² It is also by virtue of this struggle for a secular state that unbelievers, thus organised into associations, become actors *vis-à-vis* the state, that is to say, they come into existence as a collective actor that addresses specific demands to the public authorities and expects a response from them.

¹² The focus on the cause of state secularism has been noted as a characteristic of non-religious activism in countries historically marked by a majority religion and a dominant church. See Bérengère Massignon, “La Fédération humaniste européenne: un athéisme organisé et militant auprès des institutions européennes,” in *Indifférence religieuse ou athéisme militant?*, 125–140.

A Combative Secularism

The work that the ATEA and the LiHS carry out in defence of the secularity of the state mainly takes two forms.¹³ The first is legal activism that seeks to combat in the courts what is seen as excessive and undue interference – according to their reading of the country’s legislation – of religion in the structures and actions of the state. The second, smaller-scale approach, practised only by the ATEA, consists of participation in interreligious consultative committees. These are collegiate bodies organised by the executive power that bring together representatives of civil society and different sectors of the state to discuss issues related to religious diversity, tolerance and freedom. Insofar as they imply access to instances of dialogue with the state, these channels of action both offer potential and impose conditions on collective mobilisation in the name of unbelief. On the one hand, they offer the possibility – albeit a small one – of generating social transformations when one has minimal organisational and financial resources and acts on behalf of a social segment characterised by its dispersion and disaffection for public demonstrations. On the other hand, opting for such strategies implies following specific procedures and making commitments that mould the way in which organised unbelief presents itself in public space.

Legal activism, in other words the recourse to courts as a form of collective mobilisation,¹⁴ consists mainly of small legal actions dedicated to questioning the actions of representatives of the public authorities at municipal (mostly), state or federal level.¹⁵ The content refers to the use of public resources, or of the state structure in a broad sense, for what they consider are religious purposes. The complaints question public funding or material support from the state for religious events (an Evangelical Cultural Week, a March for Jesus, among others); the financing or cession of public spaces for the construction of religious monuments (a Bible Square, a monument to a saint or to the virgin); the installation by public agents of plaques with religious phrases or religious symbols in public spaces (e.g. “Jesus Christ is the Lord of Paraty”, “Palmas, capital of faith”); the promulgation of norms establishing the practice of prayer, bible reading or the celebration of religious services in public schools; norms making it compulsory to have bibles

13 Philippe Portier and Jean-Paul Willaime, *La religion dans la France contemporaine. Entre sécularisation et recomposition* (Paris: Armand Colin, 202), 67.

14 Liora Israël, *L’arme du droit* (Paris: Presses Sciences Po, 2009).

15 Although these organisations may hire lawyers to act in particularly relevant cases, in general this activism is carried out by professionals who act on a voluntary basis, like the rest of the collaborators of these entities.

available in public libraries, or the official participation of state representatives in religious ceremonies (such as canonisations and cults).

In all cases, these organisations defend a separatist conception of state secularism,¹⁶ which they believe is protected by the country's constitution. In this sense, they conceive of a state that dissociates itself from religion and religious matters, which are, in turn, understood as belonging exclusively to the private sphere. According to this arrangement, the state must remain neutral in relation to the different confessions existing in its territory, limiting its role to guaranteeing the institutional framework necessary for the full exercise of freedom of conscience (which implies freedom of belief and of non-belief). It is also not allowed to interfere with the internal affairs of the different confessions, which are all equally valid and deserving of equal treatment. From this perspective, any material support given by the state to a particular religious manifestation constitutes – according to an expression borrowed from the jurisprudence of the US Supreme Court – “indirect coercive pressure on religious minorities” who are excluded from this benefit,¹⁷ if not pure and simple “Christian propaganda financed by the public purse”.¹⁸

In fact, the complaints generally refer to the instrumentalisation of state structures in favour of Christianity, which remains the dominant creed, despite the transformations in the religious field. The opponents of this secularist activism are the Catholic Church and its long-standing privileged relationship with the state, as well as the expanding evangelical leaders in the political arena and the public sphere. The Catholic Church has historically benefited from preferential treatment by the Brazilian institutions, despite the legal separation of church and state that has been in force since the first republican constitution of 1891. This privilege took various forms of aid and support, including financial support, tax exemptions and the existence of established cooperative relations at various levels.¹⁹ Evangelical representatives,²⁰ for their part, entered politics during the pe-

16 Jean Baubérot and Micheline Milot, *Laïcités sans frontières* (Paris: Éditions du Seuil, 2011), Kindle edition.

17 ATEA (2020) Petição Inicial – Pedido de tutela de urgência contra a construção do ‘Museu da Bíblia’ no Distrito Federal, Tribunal de Justiça do Distrito Federal, processo n° 0705849-85.2020.8.07.0018.

18 ATEA v Município de Imbé (2020) Tribunal de Justiça do Estado do Rio Grande do Sul, Ação Civil Pública, processo n° 9000242-52.2019.8.21.0073.

19 Ari Pedro Oro, “A laicidade no Brasil e no Ocidente,” *Civitas* 11 (2011): 226–227.

20 Unlike Catholicism, which is organised around a single institution, the evangelical field is characterised by its fragmentation. It is composed of a multiplicity of churches that diverge from each other in a variety of aspects, such as their size, their theological and liturgical conceptions and their attitudes towards society and politics. While not all evangelical denominations participate in the political arena, the major ones in demographic terms do (with the notable exception

riod of re-democratisation in the 1980s, with the aim of preventing the Catholic Church from extending its privileges alongside the Brazilian state in the Constituent Assembly.²¹ Evangelicals, particularly the pentecostals, entered the political arena “with the claim that it was urgent to defend their institutional interests and moral values against their catholic, homosexual, ‘macumbeiros’²² and feminist adversaries in the drafting of the Magna Carta”.²³

Since then, evangelicals, led by pentecostals, have expanded their participation in the country’s political-electoral arena, causing a multiplication of Christian candidates and discourses in electoral campaigns throughout the country in a phenomenon known as the “confessionalisation of politics”.²⁴ This resulted in a multiplication of openly evangelical representatives at all levels of government throughout the country. Several evangelical denominations succeeded in electing councillors, state and federal deputies, senators, mayors and governors, and in creating their own political parties. In this context, the sector’s activity in parliament stands out, where the formation of ‘evangelical caucuses’ allowed for the concerted support of their churches’ interests. These are linked, above all, to human, social, sexual and reproductive rights, as well as religious freedom and the demand for prerogatives and resources for the sector,²⁵ which try to obtain for itself privileges analogous to those of the Catholic Church in its relationship with public authorities.²⁶ Evangelical influence in the state structure reached its peak in 2018, with the election of Jair Bolso-

of the Christian Congregation of Brazil). At a federal level, representatives of the Universal Church of the Kingdom of God, the Assembly of God and the Baptist Church predominate. Despite its heterogeneity, most of the evangelical representatives show a conservative tendency, particularly in the area of sexual and reproductive rights. For a detailed analysis of evangelical participation in politics, see Magali Cunha, “Um primeiro olhar sobre os deputados evangélicos na atual Câmara Federal,” February 13, 2023, accessed 21 December 2023, <https://religioepoder.org.br/artigo/um-primeiro-olhar-sobre-os-deputados-evangelicos-na-atual-camara-federal/>.

21 Ricardo Mariano, “Laicidade à brasileira: Católicos, pentecostais e laicos em disputa na esfera pública,” *Civitas* 11 (2011): 250–251.

22 Popular and despective term used to refer to followers of Afro-Brazilian religions, such as Candomblé and Umbanda. These traditions are often associated with “devil worship” in pentecostal milieus.

23 Mariano, “Laicidade à brasileira,” 251.

24 Ricardo Mariano, “Expansão e ativismo político de grupos evangélicos conservadores: Secularização e pluralismo em debate,” *Civitas* 16 (2016): 708–726; Ronaldo de Almeida, “A onda quebrada – evangélicos e conservadorismo,” *Pagu* 50 (2017); Lilian Sales and Ricardo Mariano, “Ativismo político de grupos religiosos e luta por direitos,” *Religião e Sociedade* 39 (2019): 9–27.

25 Paula Montero, “Religious Pluralism and Its Impacts on the Configuration of Secularism in Brazil,” *Secular Studies* 2, no. 1 (2020): 22.

26 César Alberto Ranquetat Jr., “O acordo entre o governo brasileiro e a Santa Sé e a Lei Geral das Religiões: Estado, religião e política em debate,” *Debates do NER* 18 (2010): 173–191.

naro as president of the republic, when several of these figures occupied key positions of power in the national executive.²⁷

As a result of this expansion, state support of religious expression, such as worship in public buildings, the public financing of religious events or the installation of biblical inscriptions on streets became more frequent and certainly more visible. In its political action (and beyond), the evangelical sector (particularly its pentecostal strand) adopted a strategy of occupation of the public space, in which the display of its symbols constitutes a public demonstration of its growing power and influence. This comes on top of the perennial but somewhat invisible presence of catholicism within the state and in public space.²⁸ In fact, the object of the demands of secularist legal activism is, in general, the state's promotion of elements that can be considered diacritical signs of Catholicism, evangelicalism or christianity without distinction, although they do not refrain from denouncing the endorsement of other religious manifestations, such as Afro-Brazilian examples. In any case, state sponsorship of monuments, symbols, inscriptions, prayers, cults and events linked to religious segments of the populace is questioned. In doing so, they seek to assert a minority conception of secularism, which contrasts with the public dimension that religion has in the country, where it permeates the most varied social spaces and maintains a relationship of connection and proximity to public institutions.

That this questioning is possible, and the conditions under which it happens, is linked to the particularities of the regulatory regime for religion that has come to be established in Brazil. According to Marcelo Camurça:

One of the historical characteristics of the constitution of a regulatory regime for religion in Brazil is the lack of explicit general rules for the implementation of this system. This has allowed and permits the most diverse arrangements. These are determined by the conspicuous and public presence of the Brazilian religious field within the state, politics and institutions, as well as by other internal power relationships: the historical pre-eminence of Catholicism and the current, surprising rise of evangelicals and especially Pentecostals.²⁹

27 Marcelo Camurça, "Um poder evangélico no estado brasileiro? Mobilização eleitoral, atuação parlamentar e presença no governo Bolsonaro," *Revista Nupem* 25 (2020): 82–104; Ronaldo de Almeida, "Bolsonaro presidente: Conservadorismo, evangelismo e a crise brasileira," *Novos Estudos CEBRAP* 38 (2019): 185–213.

28 Emerson Giumbelli, "Crucifixos invisíveis: polêmicas recentes no Brasil sobre símbolos religiosos e espaços públicos," in *Símbolos religiosos em controvérsia*, Emerson Giumbelli (São Paulo: Terceiro Nome, 2014): 129–152.

29 My translation. See Marcelo Camurça, "La laïcité à la brésilienne: La présence des symboles religieux dans l'espace public," in *La sécularisation en question: religions et laïcités au prisme des sciences sociales*, ed. Jean Baubérot, Philippe Portier and Jean-Paul Willaime (Paris: Garnier, 2019), 177–178.

Such a configuration gives rise to tensions and controversies in which different social forces try to assert conflicting interpretations of the legal norm, which has a formulation that is “conducive to multiple hermeneutics”, according to the interests of secular or religious groups.³⁰ While all the different groups involved in these controversies insist on defending secularism, in practice they present very different interpretations of both the concept and its operationalisation in the country’s political and institutional order.

Strictly speaking, the current constitution – promulgated in 1988 with the return of democracy – makes no mention of secularism or the secular state in its 250 articles. However, it is generally accepted that the country adopts a secular regime in its political and administrative organisation by virtue of Article 19, first paragraph: “The Union, states, Federal District, and municipalities are forbidden to: I – establish religious sects or churches, subsidise them, hinder their activities, or maintain relationships of dependence or alliance with them or their representatives, without prejudice to collaboration in the public interest in the manner set forth by law.”³¹ The ATEA and LiHS base their activism on a strict interpretation of what the rule ‘prohibits’ the state from doing, while their opponents tend to focus on the ‘possibility’ of cooperation in the public interest, as well as on a less generous reading of what does and does not constitute the establishment of cults or churches and the subsidisation of or alliance with them or their representatives. However, the most frequent counterargument emphasises the cultural rather than the religious character of christian symbols, texts and manifestations in general, as well as the traditionally open and benevolent attitude of the Brazilian state towards its people’s manifestations of faith.

Another article invoked in these disputes is the fifth, which establishes equality among citizens: “All people are equal before the law, without any distinction whatsoever. Brazilians and foreigners residing in the country are ensured the inviolability of their right to life, liberty, equality, security, and property”. The norm goes on to specify the terms of this guarantee and in its sixth paragraph, makes explicit reference to religious rights: “Freedom of conscience and of belief is inviolable; the free exercise of religious services is ensured as well as, as provided by law, the protection of places of worship and their liturgies”. In this respect, the ATEA and the LiHS emphasise the principle of equality that would be violated when the state supports one specific creed to the detriment of others, including non-believers. In the conception of secularism they defend, it would be

³⁰ Camurça, “Laïcité à la brésilienne,” 177.

³¹ Brazil, *Constitution of the Federative Republic of Brazil* (Brasília: STF, Secretaria de Altos Estudos, Pesquisas e Gestão da Informação, 2022 [1988]), accessed 21 December 2023, https://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil_federal_constitution.pdf.

logically and materially impossible for the state to promote any religious manifestation without infringing on the rights of all those who do not identify with that creed, unbelievers included. In their demands, secularist activists do not invoke the violation of rights specific to their minority status but demand – at least this is what they formally do – respect for norms that guarantee the rights of all minorities excluded from the state’s favour.³²

Unbelievers *vis-à-vis* the State

Regardless of the way in which they underpin their positions, the channels available for dialogue with the state require secularist associations to present themselves as acting on behalf of ‘religious’ interests. This is established by the Brazilian legal system, which determines that only religious actors can address demands to the state in religious issues. That is to say, institutional channels open to civil society for the raising of demands on religious matters require that, in order to become a valid actor, the claimant presents itself as a representative of a religious group. In a context where religion is omnipresent and all-encompassing, one of the greatest challenges for organised unbelief is to claim a space for itself, as well as an identity different from that of religions. In this respect, they are consistent – despite their dispersion and lack of cohesion – in rejecting any trace that could assimilate them to a creed or a church, which is why they keep the definition of atheism minimal and negative, and avoid defining criteria of belonging, doctrines, or even clear leadership. Considering this situation, state-induced religious framing is not banal but a commitment to be made and a price to be paid for the cause they have chosen as their own.

An analysis of the legislation regulating the formal mechanisms of interlocution between civil society and the state, reveals the precise mechanisms of this forced framing. In fact, the Brazilian legal system offers three possible avenues for secularist judicial activism. When it is the entities themselves that present their claims to justice, they do so under the figure of Public Civil Suit (ACP), regulated by law 7,347/1985 and by laws 12,966/2014 and 13,004/2014, which introduce alterations to the previous one. Another possibility is the intervention as *Amicus Curiae* in third party proceedings, a figure formalised in the Code of Civil Procedure of 2015, Article 138. Finally, these organisations can choose to denounce the

³² Strictly speaking, their specific status as a non-religious minority is relevant when interreligious events or discourses are at issue. Complaints of this kind constitute a small part of secularist judicial activism and a part that has been progressively excluded from their claims over time.

alleged illegal acts or irregularities to the Public Prosecutor's Office, which is subsequently responsible for conducting the corresponding investigations and, if deemed appropriate, bringing the proceedings to court. In this case, the associations' participation is limited to the filing of the complaint, without having any control over the subsequent fate of the process. This is also the only way in which the ATEA and the LiHS escape the religious framework, as representations to the Public Prosecutor's Office can be made by any citizen, as well as by "legal persons, private entities, class entities, civil associations and public administration bodies", without distinction.³³

The Public Civil Suit is an instrument designed to protect diffuse and collective interests, i.e. goods and rights whose ownership does not lie with individuals but with the whole or part of society. The law presents a non-exclusive list of protected rights, among which the "the honour and dignity of racial, ethnic and religious groups" should be highlighted. As for the actors with the legitimacy to propose such actions, the law cites various state bodies (such as the Public Prosecutor's Office or the Public Defender's Office, among others) and also civil society associations, which must simultaneously meet two conditions: they must have been constituted for more than one year and include among their institutional purposes, "the protection of public and social heritage, the environment, the consumer, economic order, free competition, *the rights of racial, ethnic or religious groups*, or artistic, aesthetic, historical, tourist and landscape heritage" (emphasis added).³⁴ The usual interpretation of this rule dictates that, in order to challenge acts or events of religious content – complaints that generally refer to state action in matters of religion – the complainant must both justify its claim in terms of defending the rights and interests of religious groups, and have such a purpose specified in its statutes.

A similar rule applies in the case of intervention as *Amicus Curiae*. This figure institutionalises the possibility for third parties to intervene in judicial proceedings before the Supreme Federal Court (STF) – usually Direct Actions of Unconstitutionality – with the aim of providing elements to support the adoption of a decision that takes into account interests dispersed in civil society and in the state itself.³⁵ In other words, the 'friend of the court', due to his or her representativeness and ex-

33 "O que é uma representação?," Federal Prosecutor's Office, accessed 30 April 2023, http://www.mpf.mp.br/rj/servicos-1/copy_of_perguntas-frequentes/o-que-e-uma-representacao.

34 "Law 7,347 of July 24, 1985," Presidency of the Republic, Civil House, Deputy Chief of Staff for Legal Affairs, accessed 26 April 2023, http://www.planalto.gov.br/ccivil_03/leis/17347orig.htm (own translation).

35 Legal action whose main purpose is to declare a law or normative act unconstitutional, exercised before the Brazilian Supreme Court.

perience, has the function of assisting the judge with important information for the resolution of disputes of supra-individual content, against the background of safeguarding diffuse, collective and homogeneous individual rights.³⁶ Intervention as *Amicus Curiae* requires: (i) relevance of the case; (ii) specificity of the object of the claim; or (iii) social repercussion of the controversy. Specifically, all those who have standing for Public Civil Suits under the Brazilian legal system may intervene as friends of the court, explicitly, all those who can demonstrate “adequate representation” in relation to the issues debated in the proceeding in which they intend to intervene and, always and invariably, in light of the demonstration of their “institutional interest”.³⁷ As can be seen, intervention as *Amicus Curiae* requires from secularist associations a similar framework to that of the ACP, although here the definition as a religious group is less straightforward or obvious.

That being said, it is not only in justice that organised atheism equates itself, explicitly or by default, with religions when dealing with the state. It also accepts this framing in order to gain access to some of the interreligious committees, councils or forums that have emerged at the federal, state and even municipal levels in the last two decades. Although the names they adopt vary, they all have as their generic mission the promotion of religious freedom, the protection of religious diversity, the fight against intolerance and, secondarily, the defence of the secular state. They are always collegiate bodies, aimed at communication between the public authorities and civil society. They are generally coordinated by the human rights and justice departments and bring together representatives from both sides, namely officials from the relevant sectors of public administration (education, health, security), members of NGOs, delegates from universities and professional boards (psychology, law, teaching, etc.) and, logically, religious representatives. Indeed, they aim to ensure the representation of the most diverse segments of society, regardless of their demographic or historical or cultural importance. On the contrary, they focus their action on minorities and are therefore open to all religions and religious or quasi-religious life stances with an interest in taking part in the dialogue.

³⁶ Here it is worth mentioning the participation of both associations in the trial of the Direct Action of Unconstitutionality n° 4439, which decided on the lawfulness of the provision of denominational religious education in the country’s public schools. Both ATEA and LiHS expressed their opposition to the current model of religious education, a position that was defeated. The country’s highest court decided that religious education provided for by the Constitution can be denominational and linked to a specific belief. The judges held that, since tuition is optional, the secularity of the state and freedom of belief are safeguarded.

³⁷ “*Amicus curiae*,” Enciclopédia Jurídica da PUCSP, accessed 26 April 2023, <https://enciclopedia.juridica.pucsp.br/verbete/163/edicao-1/amicus-curiae>.

From the point of view of the state, which promotes and coordinates these spaces, these initiatives can be seen as well-meaning attempts to institutionalise religious pluralism in Brazil and to address its difficulties. In fact, these committees have emerged from cases of intolerance against Afro-Brazilian religions, crossing the line of violence and desecration of places of worship, generally attributed to radicalised sectors of evangelical christianity. In practice, the focus is on the protection of subaltern or minority religions, those that find it most difficult to express themselves publicly. The consensus is clear: all forms of belief and worship are valid and good *per se*, without prior discussion or formalisation of what defines them as ‘religion’. Equally, all have the right to be practised and expressed publicly, without persecution or restriction, and it is the duty of the state to guarantee this freedom, seeking solutions for occasions when the fulfilment of liturgical duties clashes with civil obligations and acting promptly in cases of intolerance, in particular in the protection of victims.

In these spaces, unbelievers sit alongside representatives of the most diverse cults and confessions, as one of the many ‘religious’³⁸ minorities that populate the country’s heterogeneous religious scene.³⁹ Like their peers, they undoubtedly support the fight against intolerance, particularly when it leads to physical aggression and they adhere to the fight against faith-based prejudice of which they are also the target. However, they hold an atypical and often solitary position in these contexts. Challenging the ecumenism centred on the equal inclusion of differences shared by state coordinators and religious representatives, they claim priority for the issue of secularism. They argue that only a truly religiously neutral state would be able to combat intolerance and guarantee freedom of belief and worship in a consistent manner. They maintain that the discussions should not be

38 In these committees the term *religion*, and its derivatives such as *religious*, can include what can be conventionally identified as confessions (catholicism, islam, judaism, or specific denominations such as the Methodist Church, for example) but also *segments* whose assimilation to religions is not obvious and requires a certain degree of metaforisation: shamanism, witchcraft, indigenous traditions, gypsies or even freemasonry. Each organ has its particular composition, but the inclusive utilisation of the term religion is a clear consensus in all of them, as well as the rejection of any clear definition of the concept.

39 Strictly speaking, only ATEA takes part in those spaces. The association is represented in the Working Group on Confronting Intolerance and Religious Discrimination for the Promotion of Human Rights (GTIREL) of the Centre for the Promotion of Religious Freedom and Human Rights (CEPLIR) of the government of the State of Rio de Janeiro and in the Interreligious Forum for a Culture of Peace and Freedom of Belief, which depends on the Secretariat of Justice and Defence of Citizenship of the State of São Paulo. Outside the public sphere, but in connection with it, they also participate in the Religious Freedom Commission of the Brazilian Bar Association of the State of São Paulo.

limited to the particular situation of the various minorities represented there but should focus on the common problem of the excesses committed by the state itself. Rather than a detailed discussion of the various cases in which a particular confession has been disadvantaged by the prejudices of the population or state agents, by the conflict between religious precepts and civil or political obligations, or by simple persecution, they argue that the focus should instead be on denouncing the use of the state for the benefit of particular religious interests, which are usually those of the majority creed.

In this sense, it is possible to affirm that, although unbelievers participate in these committees as a 'religious' minority, they do not behave as such in their actions; at least they do not behave in the same way as the representatives of other creeds and confessions. That is, atheist representatives do not use these spaces to claim protection, benefits or privileges particular to the segment that they represent. Neither do they use these committees to publicise the particular situation of unbelievers or show special interest in the symbolic recognition of their identity as unbelievers. On the contrary, they act in a somewhat reverse sense, opposing any kind of protection, benefit or privilege granted by the state to groups or institutions defined in religious terms. This stance is consistent with their judicial activism which, although virtually carried out on behalf of unbelievers, does not invoke in their arguments a particular prejudice to them but a situation of privilege in favour of a particular denomination (usually christian), to the detriment of all others.⁴⁰

Final Considerations

Considering the overall activity of the ATEA and the LiHS for the secularity of the state, it is possible to affirm that organised unbelief is faced with a dilemma: either they accept defining themselves as a religion in order to have access to channels of dialogue with the state, or they remain consistent with their status as unbelievers (as they understand it) and renounce the possibility of addressing their demands to the public authorities. In such a context, the alternative is clear: between forced religious framing and formal non-existence, they choose the former. In other words, presenting themselves in the public space on terms that con-

⁴⁰ A more detailed description of these discussions can be found in Sabrina Testa, "O ateísmo e a luta pela laicidade do Estado," in *Religião, Sociedade e Política: Miradas Socioantropológicas*, edited by Marcelo Tadvall, Hilário Wynarczyk and Mauro Meirelles (Porto Alegre: Cirkula, 2018), 31–44.

flict with their fundamental definitions – and with the understanding of the very cause that drives them – is the price to be paid in order to become a valid actor recognised by the state. It is clear, however, that connivance with such framing constitutes only a pragmatic commitment, insofar as it is limited to compliance with the conditions required by the Brazilian institutional and legal system in order to act on behalf of the cause they have adopted as their own.

In other words, organised unbelief only assumes the status of religion at the moment it presents its claims under the terms of the Public Civil Suit, requesting admittance as *Amicus Curiae*, or joins an interreligious committee, even though it could potentially bring them a series of advantages. In particular, the ATEA and the LIHS are formalised as simple civil associations, that is, as a “union of persons who organise themselves for non-economic purposes” – such as neighbourhood associations, football clubs or philanthropic entities – and not as religious organisations, which enjoy a special legal status. In practice, being legally equated with churches would allow them to evade certain legal requirements, such as accounting for all financial movements, auditing income and expenditure, or submitting to the decision of the general assembly the election of administrators, the approval of the countability or the alteration of the statutes, among other regulations.⁴¹

It should also be noted here that the Brazilian legal system does not have a definition of religion: any group that declares itself as such, can formally adopt the status of a religious organisation. Similarly, it is self-definition that counts, in principle, when applying for membership of an interreligious committee or qualifying as an actor eligible to initiate a PCA or to intervene as *Amicus Curiae* in legal proceedings to decide issues related to religions. Despite this absence of a formal definition of what is (and what is not) ‘religion’, in practice, the Brazilian legal and institutional system understands that only those who agree to qualify as such can intervene in religious matters or question acts and norms with a religious content. Paradoxically, this also implies that only those social actors who present themselves as religious can raise questions in matters of secularism, if one considers that secularism concerns – by definition and beyond the specific configuration it adopts in practice – the political order and the legal translation of the place of ‘religion’ in civil society and public institutions.⁴²

Such a framework has significant implications for the place and status of unbelievers in society and public institutions. The first, and most obvious, is that there does not seem to be a proper, clearly defined place for unbelief in the law or in the public sphere of the country. Inside and outside of the state, religion has

41 Ricardo Mariano, “A reação dos evangélicos ao novo Código Civil,” *Civitas* 6 (2006): 77–99.

42 Jean Baubérot and Micheline Milot, *Laïcités sans frontières* (Paris: Seuil, 2011), 80.

an all-encompassing character, including not only what could be considered its margins but also its opposition: life stances, traditional cultures or even secularism are easily considered 'religion' in Brazil. In such a context, secularist activism accepts religious framing but does not assume it beyond what is strictly necessary for its actions *vis-à-vis* the state. Torn between a quasi-religious public existence and relegation to the domain of the private, they adopt a compromise stance that is obviously not free of ambiguities. Practically invisible, they are regarded, when seen at all, as an insignificant minority fighting for lost causes, if not understood as a social (and cosmological) impossibility. The social and political transformations of recent years seem to support these views. Today, this secularist activism is on the verge of disappearing. Since 2016, but especially since the 2018 elections, the associations that carry it forward have suffered a drain of sympathisers and collaborators, and have seen their activity drastically reduced. It is unclear whether and to what extent they will be able to sustain themselves in the future.

Abraham Hawley-Suárez

Do Mexicans Support a Secular Regime? Types of Attitudes Towards Secularism Policies in Four Religious Groups

Secularism in Mexico (*laicidad*) has been characterised by its anti-clerical origin, liberal-radical ideology, and inclination for strict legal surveillance and control of religious expression. Some authors report that such secularism is increasingly accepted among Mexicans. However, the high rates of religious affiliation in the country and the ambiguity of the statistical indicators used so far suggest that the situation could be different. In this chapter I problematise whether Mexicans agree with the model of secularism instituted in the country, looking at its specific policies. Using multivariate analysis techniques and data from the ENCREER/RIFREM 2016, I classify Mexicans' attitudes towards secularism, breaking them down into four religious groups: Catholics; Protestants/Evangelicals; Biblical; and Non-religious. I propose that among the study subjects there are four typical attitudes: 1) partial or strategic adherence; 2) systematic opposition; 3) 'free market'; and 4) greater support. The group that held the strongest opposition to Mexican secularism constituted nearly half of the sample (48 percent), whereas only 7 percent belonged to the subgroup that was most supportive of this type of regime. Beyond the acceptance of *laicidad*, I argue that these results suggest its polysemy, as well as different ways of imagining religion in the public sphere.

Laicidad as a Project in Mexico and how to Measure its Acceptance

In response to the dominance of catholicism in the region and in closer affinity with French *laïcité*, Latin America developed a model of state-church separation to establish a public sphere free from religious influence.¹ Gustavo Mo-

1 Alfonso Ruiz Miguel, *Laicidad y Constitución*, Colección de Cuadernos 'Jorge Carpizo' (México: Universidad Nacional Autónoma de México; Cátedra Extraordinaria Benito Juárez; Instituto de

Note: This chapter is an authorised translation and shorter version of an article originally published in *Acta Sociológica*. Abraham Hawley-Suárez, "¿Los Mexicanos Quieren Un Estado Laico?: Tipología de Las Actitudes Hacia Las Políticas de La Laicidad En Cuatro Grupos de Autoidentificación Religiosa," *Acta Sociológica* 92 (December 2023): 149–181.

rello² compares this view of religion's role in the public sphere with other cases, such as the USA – where the 'wall of separation' did not hinder christian churches from engaging in charitable and educational initiatives – or European countries with national churches where maintaining a neutral public space while supporting established churches is considered acceptable. However, in Latin America, the historical focus has been less on creating an impartial space for religious freedom and church operations, and more on establishing a purely secular public sphere where religion is not welcome.

Roberto Blancarte identifies historical factors contributing to the combative anti-clerical nature of Latin American secularism.³ Initially, the separation policies of emerging Latin American States – such as civil registration, recognising marriage as a civil contract, secularising cemeteries, and disentailing ecclesiastical property – were responses to the catholic hierarchy's inflexibility during the nineteenth-century wave of independence revolutions. Furthermore, the promotion of secular education among the political elite can be attributed to freemason, liberal and positivist circles during that era. Lastly, the persistent inclination to legally regulate religion traces back to *Regalismo* and the *Patronato Real* – colonial institutions granting Spanish sovereigns and viceroyalty authorities exclusive privileges, including the administration of Catholic Church properties in newly conquered territories.⁴

Laicidad is not only a state doctrine embraced in modern Latin American nations⁵ but is also an integral part of the tacit, normative, and prescriptive discourse shaping social science in the region.⁶ Broadly described as “a social framework for

Investigaciones Jurídicas; Instituto Iberoamericano de Derecho Constitucional, 2013), 4; José Enrique Mendoza Delgado, *Hacia una nueva laicidad: una oportunidad para México* (México: Consejo Nacional para el Desarrollo Integral: Instituto Mexicano de Doctrina Social Cristiana, 2010), 12.

² Gustavo Morello, *Lived Religion in Latin America: An Enchanted Modernity* (New York: Oxford University Press, 2021), 152–153.

³ Roberto Blancarte, “Laicidad y Laicismo En América Latina,” *Estudios Sociológicos* 26, no. 76 (2008): 139, 143, 152–153.

⁴ Roberto Blancarte, “Definir La Laicidad (Desde Una Perspectiva Mexicana),” *Revista Internacional de Filosofía Política* 24 (2004): 19; Roberto Blancarte, *Laicidad En México* (México: Universidad Nacional Autónoma de México; Cátedra Extraordinaria Benito Juárez; Instituto de Investigaciones Jurídicas; Instituto Iberoamericano de Derecho Constitucional, 2013), 20.

⁵ Costa Rica is the great exception to the rule and remains the only state in the region that recognises catholicism as its official religion.

⁶ Edgar Zavala Pelayo, *Sociologies and the Discursive Power of Religions* (Ciudad de México: El Colegio de México, 2020), 13–14.

coexistence, where political institutions derive legitimacy primarily from popular sovereignty rather than sacred or religious elements,”⁷ *laicidad* experts view it as an evolving project rather than a fixed form.⁸ Its specific manifestation in each society arises from unique processes of *laicisation*,⁹ resulting in differences in how *laicidad* is lived; in other words, various ‘*laicidades*’ that are not universally interchangeable or applicable like a transplantable mould.¹⁰

Mexico, along with Uruguay, stands out as one of the countries in Latin America that fervently embraces secularism.¹¹ The distinguishing characteristics of Mexico’s approach to state-church relations can be attributed to its anti-clerical origins, liberal-radical ideology, and a ‘*jurisdictionalist*’ orientation.¹² This inclination entails rigorous monitoring and regulation of religious expression through legal means. Operating on the premise that the state should safeguard individual freedoms against potential threats posed by religious doctrines, Mexico’s legal framework for secularism mandates a clear separation between the political and religious domains, as well as between the public and private spheres, especially in education.¹³

Mexico’s legal framework of secularism includes various constitutional articles:

1. Article 3 mandates that public education must be entirely secular, free from religious doctrine, and promotes “scientific progress” to combat “ignorance, servitudes, fanaticism, and prejudice.”
2. Article 24, post a 2013 reform, not only protects freedom of conscience and religion but also includes the safeguarding of “ethical convictions.”
3. Article 40, amended in 2012, defines the government form for the United Mexican States as a representative, democratic, secular, and federal republic.

7 Roberto Blancarte, “¿Cómo Podemos Medir La Laicidad?,” *Estudios Sociológicos* 30, no. 88 (2012): 237.

8 Roberto Blancarte, ed., *Los Retos de La Laicidad y La Secularización En El Mundo Contemporáneo*, 1. ed (México, D.F: Colegio de México, 2008), 30.

9 This concept, introduced by Karel Dobbelaere, refers to the process by which politics and religion separate within a society, potentially leading to legal consequences. Karel Dobbelaere, “Trend Report: Secularization: A Multi-Dimensional Concept,” *Current Sociology* 29, no. 2 (1 March 1981): 5–22. Roberto Blancarte, “Religión y Sociología: Cuatro Décadas Alrededor Del Concepto de Secularización,” *Estudios Sociológicos* 30, Special issue (2012): 67; Micheline Milot, *La Laicidad* (Madrid: Editorial CCS, 2009), 27–30.

10 Néstor Da Costa, “El Fenómeno de La Laicidad Como Elemento Identitario. El Caso Uruguayo,” *Civitas. Revista de Ciências Sociais* 11, no. 2 (May 2011): 214.

11 Morello, *Lived Religion in Latin America*, 153.

12 Blancarte, “Laicidad y Laicismo En América Latina,” 152–153.

13 Blancarte, “Definir La Laicidad (Desde Una Perspectiva Mexicana),” 19; Roberto Blancarte, “Laicidad en México,” in *Diccionario de religiones en América Latina* (México: Fondo de Cultura Económica; El Colegio de México, 2018), 320.

4. Article 130, recognising the “historical principle of the separation of the State and churches,” prohibits ministers of worship from holding public office, allowing them to vote but not participate as candidates in elections.¹⁴

Additionally, these constitutional provisions are complemented by the *Law on Religious Associations and Public Worship*¹⁵ and the *Regulations of the Law of Religious Associations and Public Worship*.¹⁶ Articles 16 and 21 prevent religious associations from becoming broadcast media concessionaires and require prior authorisation from the Ministry of the Interior for the transmission of religious content on television and radio.

Paradoxically, Mexican secularism’s separatist nature and lingering anti-clerical bias in certain institutions appear to deviate from the religious affiliation of the majority of the population. According to the most recent Mexican census, 77.7 percent identify as catholics, 11.2 percent with protestant or christian-evangelical denominations, 0.2 percent with other religions, 2.5 percent as believers without a specific religious affiliation, 8.1 percent are non-religious, and 0.3 percent did not specify any religious affiliation.¹⁷ This apparent contradiction often generates perplexity, as noted by Mendoza Delgado,¹⁸ raising the question of how well a society with such high levels of religious affiliation, like Mexico’s, aligns with the type of secularism established in its political institutions.

Driven by politicians with liberal and even anti-clerical ideologies,¹⁹ secularist policies in Mexico aimed to curb the influence of the clergy and ecclesiastical hierarchy. Some authors note that the interests and opinions of catholic authorities have not always aligned with those of parishioners, particularly from the second

14 “Constitución Política de Los Estados Unidos Mexicanos. Texto Vigente,” (Cámara de Diputados del H. Congreso de la Unión, 2022), https://www.diputados.gob.mx/LeyesBiblio/pdf/1_080520.pdf.

15 “Ley de Asociaciones Religiosas y Culto Público. Texto Vigente,” (Cámara de Diputados del H. Congreso de la Unión, 2015), http://www.diputados.gob.mx/LeyesBiblio/pdf/24_171215.pdf.

16 “Reglamento de La Ley de Asociaciones Religiosas y Culto Público. Texto Vigente,” (Cámara de Diputados del H. Congreso de la Unión, 2012), https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEWijvris5NT-AhVTJUQIHhVnDFsQFnoECAoQAQ&url=https%3A%2F%2Fwww.diputados.gob.mx%2FLeyesBiblio%2Fregley%2FReg_LARCP.pdf&usg=AOvVaw1GOP6Ki_S-ZcY9q_96M6I4.

17 INEGI, “Censo de Población y Vivienda 2020,” Censo de Población y Vivienda 2020, 2021, <https://censo2020.mx/resultados-por-tema-de-interes/>.

18 Mendoza Delgado, *Hacia una nueva laicidad*, 12.

19 Roberto Blancarte, “¿Es Anticlerical El Régimen de La Revolución?,” in *1984–2014: La Jornada: El Rostro de Un País*, edited by Lourdes Galaz Ramírez, First Edition. Special Edition (México, D.F.: Demos, Desarrollo de Medios, 2014).

half of the twentieth century onwards.²⁰ This misalignment allowed Mexican society to embrace secularist policies despite church opposition. However, lay devotees have not been indifferent to the impact of these policies. From its inception in the nineteenth century during the Reformation (1855–1863) to its consolidation in the 1917 Constitution currently in force in Mexico, the implementation of secularism has incited episodes of rejection and dissidence among the population, with the most notable being the Cristero War.²¹

This uprising is Mexico's second most significant twentieth-century civil conflict, emerging in the 1920s as a reaction to the vigorous implementation of an openly anti-clerical legal framework of secularism by the government of Plutarco Elías Calles. The rebellion concluded during President Lázaro Cárdenas' administration with an implicit agreement with the catholic hierarchy – often termed '*modus vivendi*' or '*entente cordiale*'²² – to ease the implementation of secularism laws. While today's secular legal framework is less combative, there persists a tendency to simulate its enforcement.²³

Nevertheless, in public and academic discourse on the interaction between the state and religious organisations over the past two decades, arguments have been mobilised about an increasing acceptance of secularism within Mexican society.²⁴ This perspective has influenced parliamentary debates regarding recent revisions to the legal framework of secularism.²⁵

20 Antonio Rubial, Brian Connaughton, Manuel Ceballos and Roberto Blancarte, *Historia mínima de la Iglesia católica en México*, 1st edition, *Historias mínimas*, vol. 6 (Ciudad de México: El Colegio de México, 2021).

21 Brian A. Stauffer, *Victory on Earth or in Heaven: Mexico's Religionero Rebellion* (Albuquerque: University of New Mexico Press, 2020); Daniela Traffano, *Indios, curas y nación. La sociedad indígena frente a un proceso de secularización: Oaxaca, siglo XIX* (Torino: Otto, 2011); Jean A. Meyer, *The Cristero Rebellion: The Mexican People between Church and State, 1926–1929* (Cambridge: Cambridge University Press, 2008); Robert Curley, *Citizens and Believers: Religion and Politics in Revolutionary Jalisco, 1900–1930* (Albuquerque: University of New Mexico Press, 2022).

22 Blancarte, *Laicidad En México*, 54–55; Renée De la Torre, "Alianzas Interreligiosas Que Retan La Laicidad En México," *Revista Rupturas* 9, no. 1 (2019): 161.

23 Javier Esteinou Madrid, "Cuarta Transformación, Medios de Comunicación e Iglesias," *Argumentos. Estudios Críticos De La Sociedad* 2, no. 93 (2020): 291–327; Bernardo Barranco Villafán and Roberto Blancarte, *AMLO y la religión: el estado laico bajo amenaza*, Grijalbo (México, 2019).

24 Renée De la Torre, "La Iglesia Católica En El México Contemporáneo. Resultados de Una Prueba de Contraste Entre Jerarquía y Creyentes," *L'Ordinaire Des Amériques* 210 (2008): 20.

25 Roberto Blancarte, "Las Razones Para Incluir La Laicidad Del Estado En La Constitución Mexicana," (Acervo de la Biblioteca Jurídica Virtual del Instituto de Investigaciones Jurídicas de la UNAM, 2008), <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKewj2-jznYv4AhUzoI4IHwvAk8QFnoECAUQAQ&url=https%3A%2F%2Farchivos.juridicas>.

Evidence supporting the growing acceptance of secularism includes various statistical reports. For instance, the *Survey of Catholic Opinion in Mexico*,²⁶ conducted in 2003 and 2014, showed that the majority of Catholics believed the church should not influence government decisions (82 percent in 2003 and 72 percent in 2014).²⁷ The 2014 National Survey on Religion, Secularization, and Secularity,²⁸ encompassing all Mexicans, reported that 51 percent of respondents believed religious authorities should stay out of government decisions.²⁹

While common to measure the acceptance of secularism by examining attitudes toward religious organisations' influence on government,³⁰ the ambiguity of this measure makes it unclear what respondents support or reject. Authors³¹ have highlighted the multidimensional nature of secularism³² and caution that legal separation neither necessarily nor sufficiently determines the degree of secularisation of a political regime.³³

To comprehensively measure Mexicans' agreement with the secularism project, a broader set of indicators is necessary. This requirement is met by the *National Survey on Religious Beliefs and Practices in Mexico* (ENCREER/RIFREM 2016)

unam.mx%2Fwww%2Fbjv%2Flibros%2F13%2F6021%2F3.pdf&usg=AOvVaw2ikMSvLKdcAmY4DHbYYQP.

26 Evelyn Aldaz, *Encuesta de Opinión Católica En México 2003* (Mexico: Católicas por el Derecho a Decidir, 2003); Evelyn Aldaz, *Encuesta Nacional de Opinión Católica 2014* (Mexico: Católicas por el Derecho a Decidir, 2014), <http://encuesta.caticasmexico.org/es/>.

27 The reports of 2010 and 2021 of the same survey do not include this question. Evelyn Aldaz, *Encuesta Nacional de Opinión Católica 2010* (Mexico: Católicas por el Derecho a Decidir, 2010), <http://encuesta.caticasmexico.org/es/>; Evelyn Aldaz, *Encuesta de Opinión Sobre Religión, Política y Sexualidad En México 2021* (México: Católicas por el Derecho a Decidir, 2021).

28 Área de Investigación Aplicada y Opinión, *Encuesta Nacional de Religión, Secularización y Laicidad* (Instituto de Investigaciones Jurídicas (UNAM), 2014), http://www.losmexicanos.unam.mx/religion/encuesta_nacional.html.

29 The proportion was estimated by discounting those who did not take a positive or negative position on the issue.

30 Zira Hichy, Noelia Rodríguez-Espartal, Elena Trifiletti and Gian Antonio Di Bernardo, "The Secularism of the State Scale," *TPM* 19, no. 3 (2012): 151–163, 163.

31 Kai Arzheimer, "A Short Scale for Measuring Political Secularism," *Politics and Religion* 15 (2022): 827–40; Roberto Blancarte and Juan Cruz Esquivel, "Indicateurs de laïcité dans deux démocraties contemporaines. Analyse comparative entre le Mexique et l'Argentine," *Archives de sciences sociales des religions* 177, no. 1 (2017): 191–236; Blancarte, "¿Cómo Podemos Medir La Laicidad?."

32 Part of this literature focuses on discerning the authentic essence of secularism. I diverge from this perspective and instead view the attempts to measure and empirically depict secularism as constitutive of its discursive formation.

33 Blancarte, *Los Retos de La Laicidad y La Secularización En El Mundo Contemporáneo*, 30–31, 36, 41; Milot, *La Laicidad*, 30.

by the Network of Researchers on the Religious Phenomenon in Mexico.³⁴ This survey includes a section on the “Perception on Church-State Relations” with 13 questions covering different aspects of the country’s secularism-related policies.

The authors of the study hint that while *laicidad* holds significant legitimacy among Mexicans, its use and interpretation vary.³⁵ While suggestive, their explanations rely on individualised analyses of statistical indicators for the population as a whole, giving rise to three limitations: they make it challenging to assess overall support or rejection of the Mexican secularism project as a whole; they overlook the possibility that within the policies scholars identify as part of the secularism project, the population identifies distinct subsets of agendas; finally, considering the entire Mexican population obscures the possibility that this group can be differentiated according to their patterns of support or rejection towards the distinctive subgroups of policies that make up the secularism project in Mexico.

The multivariate analysis techniques used here to establish a typology of attitudes toward secularism among Mexicans overcome these challenges. Factor analysis differentiates how Mexicans perceive various sub-agendas of secularism by identifying latent dimensions that explain the variation in observed variables. Cluster analysis classifies the population based on the similarity or difference in their responses to survey questions on secularism.³⁶ Additionally, cross-tabulating the typology classes with respondents’ religious self-identification labels offers an initial glimpse into the religious and secular motivations behind their attitudes toward Mexican secularism. This phase of the analysis opens the door to exploring the diverse ways of imagining religion in the public sphere present in Mexico.

34 Alberto Hernández, Cristina Gutiérrez, and Renee De la Torre, *Encuesta Nacional Sobre Creencias y Prácticas Religiosas En México* (RIFREM; Conacyt, 2016), <https://rifrem.mx/encreer/>.

35 Renée De la Torre, “La Laicidad En México Desafiada Por La Libertad Religiosa: Dilemas y Retos Contemporáneos,” in *El Estado Laico Mexicano a 30 Años de La Reforma Constitucional*, edited by Pauline Capdevielle and Pedro Salazar Ugarte (Mexico: Instituto de Investigaciones Jurídicas (UNAM), 2023), 59–60; Renée De la Torre, Cristina Gutiérrez Zúñiga, and Alberto Hernández, ed., *Reconfiguración de Las Identidades Religiosas En México: Análisis de La Encuesta Nacional Sobre Creencias y Prácticas Religiosa, Encreer 2016* (México: Centro de Investigaciones y Estudios Superiores en Antropología Social; El Colegio de la Frontera Norte, 2020), 301–304.

36 In this sense, the classes resulting from cluster analysis can be considered “extracted types”, according to John McKinney’s classification of typologies. This means that the similarities shared by the elements of each class are “typical” because they stood out strongly in the average values of the selected variables. John McKinney, *Tipología Constructiva y Teoría Social* (Buenos Aires: Amorrortu, 1968), 35–37.

Data and Methods

Table 1 synthesises the methodological design of ENCREER/RIFREM 2016.

Table 1: Methodological design of the ENCREER/RIFREM 2016.

Target population	Mexicans over 18 years of age, belonging to four religious groups: Catholics, Evangelicals (Protestants and Pentecostals), Biblical (Jehovah's Witnesses, Adventists and Mormons) ³⁷ and people with no religion. ³⁸
Sample size	3,000 individuals.
Survey period	29 October to 30 November 2016.
Sampling method	Stratified random subsampling and proportional selection by size.
Survey mode	In person.
Confidence level	95 percent.
Statistical error	±2.5 percent.

I considered the 13 variables from Section V, entitled “Perception of Church-State Relations”, representing secularism policies established in Mexican law. I recategorised the response options for these variables into two primary categories: “Non-secular responses”, representing positions contrary to Mexican secularism policies, and “Secular responses”, reflecting statements aligned with these policies (Table 2).³⁹ It is essential to note that this characterization of respondents’ answers may not be applicable to other political regimes and may not necessarily

³⁷ Keeping the classification of the National Institute of Statistics and Geography, the ENCREER/RIFREM 2016 distinguishes between evangelical and biblical churches. The latter groups a set of christian churches that – due to differences in interpreting or selecting their sacred books – refuse to be categorised as evangelicals. José Luis Pérez Guadalupe and Sebastian Grundberger, ed., *Evangélicos y Poder En América Latina* (Lima, Perú: KAS; Instituto de Estudios Social Cristianos, 2018), 15; 358.

³⁸ Other traditions were omitted probably due to the difficulties their size posed for the sample design. According to the most recent census data, groups beyond catholics, protestants, evangelicals, or those without religious affiliation account for approximately 0.2 percent of the population. INEGI, “Censo de Población y Vivienda 2020.”

³⁹ For variables V21a, V21c, V21d, V21g, V21h, V21i, V21k, the answer “Yes” was considered a “Secular response”, while “No”, was a “Non-secular response”. On the other hand, for items V21b, V21e, V21f, V21j, V21l, V21m, “No” was transformed into a “Secular response”, while “Yes”, into a “Non-secular response”. Also, with recoding, the categories originally labeled 0 and 3 were considered missing values for all cases.

align with alternative non-institutionalized interpretations of secularism. In this sense, the secularism policies analysed could face rejection based on arguments derived from secular philosophical doctrines or, alternatively, be supported by religious interpretations. Therefore, the proposed categorisation strictly reflects what in Mexico is institutionally recognised as the politics of secularism and not an essentialist conception of what secularism can or should be.

Table 2: Recoding of the perception variables on church-state relations from the ENCREER/RIFREM 2016.

Variable code	Variable (Do you agree or disagree with the following statements?)	Original answers	Recoded answers
V21a	Members of any religion should have the same citizenship rights.	1. Yes 2. No	0. Non secular response
V21b	Religious content or values in public schools.	3. I don't care/ I am not interested/ I am indifferent.	1. Secular response
V21c	Sex education in public schools.	0. Did not answer	
V21d	Gender content in public school textbooks.		
V21e	Traditional catholic festivities in public schools.		
V21f	<i>Día de muertos</i> altars in public schools.		
V21g	Same-sex marriage law.		
V21h	The right of LGBT couples to adopt.		
V21i	Abortion not prosecuted by law.		
V21j	Political candidates using religious symbols.		
V21k	Churches reporting tax movements.		
V21l	Religions' participation in elections.		
V21m	Churches owning mass media.		

After recoding, I conducted two multivariate analysis techniques: factor and cluster analysis. Firstly, I performed a principal factor analysis using a tetrachoric matrix to create a concise set of summary measures identifying the underlying dimensions of the variables. This statistical procedure led me to retain three factors, as they were the only ones meeting the latent root criterion, with eigenval-

ues greater than one. These three factors account for 88.3 percent of the variance in the 13 items concerning the perception of state-church relations (Table 3).

Table 3: Principal factor analysis for the perception variables on church-state relations from the 2016 ENCREER/RIFREM.

Factor analysis/correlation.		Number of obs.	3,000	
Method: principal factors.		Retained factors	3	
Rotation: (unrotated)		Number of params.	36	
Factor	Eigenvalue	Difference	Proportion	Cumulative
Factor1	3.76971	2.22259	0.4996	0.4996
Factor2	1.54712	0.20246	0.205	0.7046
Factor3	1.34465	0.44226	0.1782	0.8828
Factor4	0.90239	0.55409	0.1196	1.0024
Factor5	0.3483	0.1127	0.0462	1.0485
Factor6	0.2356	0.17017	0.0312	1.0798
Factor7	0.06543	0.05705	0.0087	1.0884
Factor8	0.00838	0.05452	0.0011	1.0895
Factor9	-0.04614	0.05494	-0.0061	1.0834
Factor10	-0.10108	0.02784	-0.0134	1.07
Factor11	-0.12892	0.06576	-0.0171	1.0529
Factor12	-0.19468	0.01015	-0.0258	1.0271
Factor13	-0.20483	.	-0.0271	1

LR test: independent vs. saturated: $\chi^2(78) = 2.3e+04$ Prob> $\chi^2 = 0.0000$

As last step of the factor analysis, I performed an oblique rotation solely for interpretation purposes, retaining the unrotated factors for subsequent analyses (Table 4). This aided understanding the variables that defined each factor's profile.

Table 4: Oblique rotation of retained factors.

Rotated factor loadings (pattern matrix) and unique variances				
Variable	Factor1	Factor2	Factor3	Uniqueness
V21a				0.9158
V21b	0.5868			0.615
V21c	-0.5211	0.3453		0.4749
V21d	-0.4786	0.3434		0.5432
V21e	0.9395			0.1631
V21f	0.7641			0.296

Table 4 (continued)

Rotated factor loadings (pattern matrix) and unique variances				
Variable	Factor1	Factor2	Factor3	Uniqueness
V21g		0.9476		0.0976
V21h		0.8805		0.2144
V21i		0.3227		0.8796
V21j			0.6576	0.4943
V21k			-0.3519	0.7858
V21l			0.8272	0.3239
V21m			0.6902	0.535

(Blanks represent $\text{abs}(\text{loading}) < .3$)

Factor one primarily reflects items associated with the presence of religion in public education (V21b, V21c, V21d, V21e, and V21f). Factor 2 is characterised by variables related to gender, sexual diversity and reproductive rights (V21c, V21d, V21h, V21g, and V21i). Factor three encompasses a more diverse array of regulatory restrictions outlined in Mexican federal laws concerning religious actors in electoral, fiscal, and media matters (V21k, V21m, V21j, V21l).

Item V21a exhibited an exceptionally high degree of uniqueness (0.916), indicating that its variance is essentially unrelated to that of the other statistical indicators used to measure support for secularism. This finding is significant because the variable (equal rights for citizens regardless of religious identity) addresses one of the most common discussions in normative-theoretical discussions on political secularism, namely, the state's neutrality in religious matters. This suggests a gap between the discursive framing of the secularism project within Mexican state institutions and academic literature on one hand, and how society perceives and associates its various agendas on the other.

I used these three summary measures to segment the sample via a cluster analysis. I chose the Q-side of the hierarchical family of methods, employing Euclidean distances as the dissimilarity measure and the average linkage method. This allowed for the creation of an empirically distinguished taxonomy based on the respondents' answers. To ascertain the number of clusters, I calculated the Duda-Hart statistic, which suggests that the optimal number of clusters is given by the highest values on this measure, as well as the smallest pseudo-T squares (Table 5).

While the Duda-Hart index suggested 11 clusters, aiming for parsimony, I decided to use no more than five subsets. Therefore, the four-cluster partition proved to be the most efficient choice based on the index results.

Table 5: Duda-Hart statistic.

Number of clusters	Duda/Hart	
	Je(2)/Je(1)	Pseudo T-squared
1	0.6733	1132
2	0.4048	2428.78
3	0.5333	594.28
4	0.7809	52.18
5	0.3167	1059.55
6	0.5608	541.07
7	0.461	1121.32
8	0.6008	118.95
9	0.913	16.77
10	0.5646	30.07
11	0.9195	10.59
12	0.7955	21.85
13	0.8705	54.75
14	0.2838	12.62
15	0.6591	88.95

Results

In this section, I propose that the four subsets generated through cluster analysis represent distinct attitudes toward secularism among Mexicans: 1) partial or strategic adherence; 2) systematic opposition; 3) ‘free market’; and 4) greater support for the jurisdictionalist model of Mexican secularism. Table 6 facilitates interpretation by summarising the proportion of secular and non-secular responses. These percentages are broken down for each factor analysis-derived subset of items. Additionally, the table presents the sample distribution across each cluster. To illustrate the predominance of non-secular (lighter tones) and secular (darker tones) responses in each cluster, a heat scale is used, relative to other clusters. A column is included for reference, indicating the proportion of secular and non-secular responses for the entire sample without division into clusters.

Before delving into the clusters’ profiles, it is relevant to note that 92 percent of the sample expressed a favourable stance regarding granting citizenship rights to all individuals regardless of their religion – a proportion quite similar in all clusters. This item represents a significant aspect of normative discussions on political secularism. Analysing this indicator alone might lead to the conclusion of robust support for secularism in Mexico, as indicated by other analysts. However, when

Table 6: Proportion of secular and non-secular responses by cluster.

		C1 (Partial or strategic adherence)	C2 (Systematic opposition)	C3 (Free market)	C4 (Support for Mexican secularism)	Whole Sample
	Proportion of the sample (percent)	20.25	48.15	24.98	6.62	100
V21a (citizenship rights for all regardless of religion)	Secular R. (percent)	89.03	91.36	96.35	91.49	92.11
	Non-secular R. (percent)	10.97	8.64	3.65	8.51	7.89
Factor 1 (public education and religion)	Secular R. (percent)	71.17	40.12	43.57	75.64	53.03
	Non-secular R. (percent)	28.83	59.88	56.43	24.36	46.97
Factor 2 (gender, sexual diversity, and sexual and reproductive rights)	Secular R. (percent)	29.29	38.38	80.69	76.17	47.64
	Non-secular R. (percent)	70.71	61.62	19.31	23.83	52.36
Factor 3 (regulatory restrictions in electoral, fiscal and media matters)	Secular R. (percent)	75.51	73.93	70.84	80.98	74.89
	Non-secular R. (percent)	24.49	26.07	29.16	19.02	25.11

considering a broader array of indicators representative of the Mexican secularism project, the results diverge significantly, adding complexity to the debate.

I label the first cluster – comprising 20 percent of the observations – as “partial or strategic adherence”.⁴⁰ This cluster holds the most opposed positions concerning Mexican secularism’s liberal ideology on gender, sexual and reproductive

⁴⁰ With this label I refer to the scholarly discourse on “strategic secularism”. These scholars highlight how both religious and non-religious figures strategically employ various interpretations of secularism, underscoring the term’s multifaceted nature and its ongoing (re)definition. Matthew Engelke, “Strategic Secularism: Biblical Advocacy in England,” *Social Analysis* 53, no. 1 (2009): 39–54; De la Torre, “La Laicidad En México Desafiada Por La Libertad Religiosa: Dilemas y

rights, while also exhibiting substantial support for separatism in education. Table 7 reveals that a notable characteristic of this subset, potentially shedding light on its stances on education and gender issues, is its high representation of evangelical (67.48 percent) and biblical (73.59 percent) individuals.

The significant presence of christian minorities within this subgroup leads us to speculate about their opposition towards religious elements in public education. This opposition may aim to shield younger members of evangelical and biblical churches from the imposition of practises and beliefs of the majority church (some ENCREER/RIFREM 2016 items related to public education and religion explicitly reference catholic festivities).⁴¹ In their stance against sexual and reproductive rights, evangelical churches often align with a conservative pro-life and ‘natural family’ political agenda, forming political alliances with members of the Catholic Church.⁴²

Cluster two, characterised by “systematic opposition” to Mexican secularism, stands out for harbouring the highest concentration of positions against secularist policies and, primarily, for encompassing the largest proportion of observations. Estimates from ENCREER 2016 suggest this cluster comprises 48 percent of Mexicans, challenging narratives of widespread secular culture in Mexico. It reveals a substantial prevalence of conservative positions on gender issues and support for religious values in public schools. Additionally, over half of the catholics interviewed (52.19 percent) are part of this cluster, suggesting a link between rejection and secularism’s historical mission of reducing catholic influence in the public sphere.⁴³

I labelled Cluster three “free market, with an ultraliberal approach away from jurisdictionalism”. This terminology draws from Émile Poulat’s typology for categorising state-church relations, specifically referring to ultra-liberalism, signifying a *laissez-faire*, *laissez-passer* approach by the state in religious affairs.⁴⁴ This cluster appears to lean towards, favouring freedom of conscience and religion over strict state-church separation. This inclination is indicated by its opposition to the prohi-

Retos Contemporáneos,” 60–61; Joseph Blankholm, “The Political Advantages of a Polysemous Secular,” *Journal for the Scientific Study of Religion* 53, no. 4 (2014): 775–90.

41 De la Torre, “La Laicidad En México Desafiada Por La Libertad Religiosa: Dilemas y Retos Contemporáneos,” 60–61.

42 José Luis Pérez-Guadalupe, “¿Políticos Evangélicos o Evangélicos Políticos? Los Nuevos Modelos de Conquista Política de Los Evangélicos,” in *Evangélicos y Poder En América Latina*, edited by José Luis Pérez Guadalupe and Sebastian Grundberger (Perú: Konrad Adenauer Stiftung; Instituto de Estudios Social Cristianos, 2018), 87.

43 De la Torre, Gutiérrez Zúñiga, and Hernández, *Reconfiguración de Las Identidades Religiosas En México: Análisis de La Encuesta Nacional Sobre Creencias y Prácticas Religiosa, Encreer 2016*, 256–57; 304.

44 Roberto Blancarte, *Entre la fe y el poder: política y religión en México* (México, D.F: Grijalbo, 2004), 18.

Table 7: Distribution of religious self-identification groups in the clusters.

Cluster	Non-religious (percent)	Catholics (percent)	Protestant/Evangelical (percent)	Biblical (percent)	Total (percent)
1	31.65	14.56	67.48	73.59	20.25
2	25.1	52.19	22.29	14.65	48.15
3	18.45	27.34	5.4	6.4	24.98
4	24.79	5.92	4.84	5.36	6.62
Total	100	100	100	100	100

bition of religious elements in public schools; its stances on gender and reproductive rights, aligning more with Mexican secularism than Cluster four; and its slightly greater flexibility regarding regulatory restrictions on religious actors in electoral, fiscal, and media matters. Notably, this cluster is the second-largest in terms of catholic representation (27.34 percent), underscoring the internal diversity within the catholic community.

Cluster four, representing just 7 percent of the sample, stands out as the cluster with the strongest “endorsement of the jurisdictionalist model of Mexican secularism”. Alongside Cluster two, it challenges assumptions about the prevalence of a secular culture in Mexico. These findings seem to align with Peter Berger’s suggestion that adherence to secular values primarily exists within an elite subculture.⁴⁵ While other factors like education or income levels in this subgroup warrant further investigation, it is evident that the staunchest supporters of Mexican secularism constitute a minority.

Notably, the most recent “Opinion survey on politics, religion, and sexuality” by *Católicas por el Derecho a Decidir* reports more favourable percentages for gender and sexual and reproductive rights policies associated with secularism compared to ENCREER/RIFREM 2016.⁴⁶ However, this research has two limitations: 1) a significant overrepresentation of individuals with higher technical and university education (30 and 34 percent, respectively); 2) an underrepresentation of Mexicans with basic education or less (36 percent). Data from the last census shows that only 21.6 percent of Mexicans have had access to higher education, while 49.3 percent have basic education, and 4.9 percent report no school attendance.⁴⁷

⁴⁵ Peter L. Berger, ed., *The Desecularization of the World: Resurgent Religion and World Politics* (Washington, DC: Grand Rapids, Mich: Ethics and Public Policy Center; W.B. Eerdmans Pub. Co, 1999), 10.

⁴⁶ Aldaz, “Encuesta de Opinión Sobre Religión, Política y Sexualidad En México 2021,” 5; 12.

⁴⁷ INEGI, “Censo de Población y Vivienda 2020.”

There is a significant presence of non-religious individuals and Christian minorities within this cluster. However, non-religious respondents were nearly evenly distributed across Clusters one, two and four (31.65, 25.1, and 24.79 percent, respectively). It is crucial to take into consideration that ‘non-religious’ is not equivalent to ‘secular’. In the survey, this category encompasses not only atheists or agnostics but also individuals who consider themselves spiritual but not religious, or who reject any religious authority while maintaining “their own beliefs”. According to the latest census data, among the total categorised as non-religious, only 7.4 percent identified as atheist or agnostic, equivalent to 0.67 percent of the total population.⁴⁸

Discussion

Applying multivariate analysis to the “Perception of Church-State relations” indicators in the ENCREER/RIFREM 2016 has helped deepen understanding of the level of acceptance of secularism in Mexico. While secularism is firmly entrenched in the country’s legal framework, the findings reveal diverse Mexican attitudes towards it – at least in the way it was instituted and studied in academia.

Notably, the cluster with the strongest opposition to the jurisdictionalist model of Mexican secularism comprises the highest number of observations (48 percent), while the subgroup strongly supporting it constitutes less than 7 percent of the sample. I hypothesised that these percentages may relate to the anti-clerical roots of Mexican secularism, historically aimed at ‘decatholicising’ the public sphere. Additionally, the limited endorsement for jurisdictional and liberal Mexican secularism aligns with Peter Berger’s view of secular culture as primarily an elite phenomenon.

However, to determine the underlying motives of the attitudes identified here, a causality methodological design is needed. Such an investigation is beyond the scope of this chapter. Nevertheless, the observations regarding the distribution of religious groups within each cluster and the potential correlation between education levels and support for secularism policies, as indicated by the groups in the survey by *Católicas por el Derecho a Decidir*, may provide valuable directions for future research on this topic.

While this is still pending, it seems that the disparity between the institutional definition of secularism and its acceptance by the general population aligns with Berger’s caution about the limited role that official and theoretical interpre-

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tations play in a society's collective understanding.⁴⁹ The inclusion of secularism in Mexico's legal framework does not necessarily imply unanimous agreement or assimilation of this principle throughout Mexican society.

Additionally, Berger suggests that secular culture's principles can be pre-theoretically reinterpreted by devout people to align with their religious consciousness, creating a "fluid copulative construction" of religious and secular elements.⁵⁰ While plausible, this reasoning has limitations. Firstly, it assumes that secularism possesses an empirically verifiable essence, implying that it is possible to determine the authenticity or legitimacy of different conceptions of this concept, and therefore implicitly imposing a hierarchy among them. Similarly, it risks suggesting that secularism's features emerged *ex nihilo*, awaiting identification by scholars, overlooking its character as a constructed project.

An alternative approach to discussing secularism in Mexico involves shifting away from prescribing its essence or highlighting its non-compliance and instead focusing on its continuous formation as a contested discursive space. Drawing on the concept of Talal Asad⁵¹ of discursive tradition and its application by Joseph Blankholm to the secular,⁵² this perspective would renounce the goal of a universally accepted definition of *laicidad*.⁵³ Instead, it would begin with the premise that writing about secularism entails establishing a narrative connection to the project, where any definition or description, even when meticulously documented, inherently possesses a storytelling component and is thus open to debate.

This approach contributes to understanding how specialists in secularism, by analysing it, participate in its configuration, while acknowledging that actors beyond academia and state institutions also engage in redefining it. Furthermore, by considering the various actors involved in constructing secularism, this ap-

49 Peter L. Berger, *El Dósel Sagrado* (España: Kairós, 2006), 39–40.

50 Peter L. Berger, *Los numerosos altares de la modernidad: en busca de un paradigma para la religión en una época pluralista*, trans. Francisco Javier Molina de la Torre (Salamanca: Sígueme, 2016), 11–14, 108.

51 Talal Asad, "The Idea of an Anthropology of Islam," *Qui Parle* 17, no. 2 (2009): 1–30.

52 Joseph Blankholm, *The Secular Paradox: On the Religiosity of the Not Religious* (New York: University Press, 2022), 201, 210.

53 While this approach does not directly derive from their theoretical framework, some readers may perceive potential connections between this work and the concept of "Multiple Secularities" proposed by Wohlrab-Sahr and Burchardt. It is worth noting that, while the current proposal may subtly differ from aspects of their theoretical framework, the exploration of "Multiple Secularities" aligns with the intention of investigating variations over time and space in the understanding and construction of the religious-secular divide, as discussed in this chapter. Monika Wohlrab-Sahr and Marian Burchardt, "Multiple Secularities: Toward a Cultural Sociology of Secular Modernities," *Comparative Sociology* 11, no. 6 (2012): 880.

proach encourages discussions about the impact of their positionality and subjective biases on the project.

It may seem counterintuitive, but I consider that the typology I have presented here, along with its corresponding categories, is not inherently significant. My primary goal is not to advocate its applicability or replication in other contexts. It is crucial to clarify that its development is influenced by the indicators included in the ENCREER/RIFREM 2016. This does not diminish the survey's value since it enhances our ability to measure *laicidad* from multiple dimensions. The merit of the survey questions lies in their concise reflection of the state-church relationship policies outlined in Mexican legal framework.

The typology's significance lies in how it provides insights on the diverse Mexican imaginaries on the role of religion in the public sphere (even when we limit the analysis to indicators reflecting the Mexican legal framework's definition of secularism). The evidence of widespread support for an abstract interpretation of secularism – as state neutrality concerning religious worldviews – coexisting with a variety of stances on specific issues like education, gender, and elections suggests that focusing on a single interpretation may lead us to overlook how different groups assimilate and reshape the concept.

As previously mentioned, the ENCREER/RIFREM 2016 authors suggest that the term '*laicidad*' enjoys significant legitimacy, but Mexicans appear to attribute various meanings and nuances to it. Thus, I consider it crucial to advocate for research that documents the emic meanings of secularism articulated by different actors. As Blankholm argues, neglecting or opposing non-institutionalised perspectives, or striving to propose all-encompassing definitions, risks obscuring how the polysemic nature of secularity is leveraged by various actors with diverse intentions to shape and reshape its meaning.⁵⁴

Understanding *laicidad* as a contested discursive space makes it possible to encompass in a single study object conflicting viewpoints on its essence and set forth a 'modest' yet empirically attainable and politically-theoretically significant research goal: documenting "who defines the secular, in what context, how, and why".⁵⁵ Ethnographic research exercises, like Graham W. Hill's exploration of evangelical businessmen in Mexico affirming the secularity of their faith, are illuminating.⁵⁶ The way these groups (and similar ones) employ the term may seem like a tactical or intended effort to present their faith-based message as secular – resonating with the strategic support for secularism posited for the first cluster of

⁵⁴ See Blankholm, "The Political Advantages of a Polysemous Secular."

⁵⁵ Blankholm, "The Political Advantages of a Polysemous Secular," 788.

⁵⁶ Graham W. Hill, "Between Church and State: A Christian Brotherhood's Faithful Claims to Secularity in Mexico City," *Qualitative Sociology* 42, no. 2 (2019): 663–668.

my typology. However, Hill argues that these adaptations also represent sincere attempts to challenge traditional binary distinctions between the religious and the secular, enabling a connection with god beyond these categorical boundaries.

These findings challenge the conception of religion as solely belief-oriented and disconnected from worldly matters. They serve as a reminder that the division between the religious and the political is a historically constructed discourse not universally embraced.⁵⁷ They prompt us to contemplate how divergences, whether partial or complete, in the statistics concerning the separation of the political and the religious may indicate diverse ways of imagining religion in the public sphere and, consequently, the secular.

Conclusions

By applying factor and cluster analysis techniques to the ENCREER/RIFREM 2016 data, I have shown that, far from a uniform and increasing support for the secularism project instituted in the Mexican legal framework, there are diverse perceptions on it among the population. I have identified four typical attitudes: 1) partial or strategic adherence, comprising 20 percent of the sample; 2) systematic opposition, representing 48 percent of interviewees; 3) a ‘free-market’ orientation, encompassing 25 percent of the observations; and 4) stronger support for the jurisdictionalist model of Mexican secularism, accounting for only 7 percent.

In contrast to reports that claimed majority support for secularism in Mexico using a single indicator, I employed a multidimensional approach to the concept. Other studies analysed support for secularism in Mexico using multiple variables, but their conclusions relied on individualised observations of each statistical item, making it challenging to obtain a comprehensive perspective. The multivariate analysis techniques used here overcome this limitation and demonstrate how Mexicans discern the various sub-agendas of secularism and classify the population based on the similarity or dissimilarity of their responses. Furthermore, by cross-tabulating the typology classes with religious self-identification labels, I provided an exploratory insight into the potential religious and secular motivations behind each attitude identified. Combined with the considerations about the potential links between education and support for the form of secularism established in Mexican law, these findings provide valuable guidance for future research aiming to delve into the causes behind these attitudes.

⁵⁷ Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore: Johns Hopkins University Press, 1993), 28, 35.

Does all this imply that Mexicans are opposed to a secular state? Not necessarily, particularly when considering the widespread support for a more abstract interpretation of secularism. As I have argued by viewing it as a contested discursive space, the answer depends on our understanding of secularism.

I have said that, due to the decisions on the questions included in ENCREER/RIFREM 2016, the attitudes identified are not primarily significant for their potential generalisation but, rather, for the insights they provide into the various ways Mexicans imagine religion in the public sphere and, consequently, secularism. Therefore, I hope this research will inspire further empirical investigation on what scholars have said *laicidad* is, how we frame questions about it, the narratives we have crafted to depict its history, and, most importantly, what it means for Mexicans beyond its institutional definition.

Joseph Blankholm

The Religiosity of the US Nonprofit Sector and its Impact on Secular Women

Despite its decline, christianity continues to influence the everyday lives of atheists, agnostics, and other kinds of non-believers in the United States.¹ Politically, christianity's influence remains clear in debates about abortion or the teaching of evolution in public schools.² At the level of the state, christianity's influence often determines what cannot be present. Very few elected officials are openly non-religious and the US government only rarely acknowledges non-religious beliefs systems like humanism.³ In everyday life, christianity's influence is structural, making it difficult to perceive: it determines what 'religion' means, accords religious rights to some and not others, and establishes the terms in which non-believers understand themselves.⁴

This chapter considers the religious history of the US nonprofit sector and examines how its protestant normativity impacts secular women. The ways that secular women care for their families, raise their children, and support their local communities reflect the US government's continued reliance on religion to administer even basic social services. By choosing to be non-religious, these women gain what they understand to be freedom from traditional religion. At the same time, they feel religion's absence in ways that are often distinct from men's expe-

1 Isabella Kasselstrand, Phil Zuckerman and Ryan T. Cragun, *Beyond Doubt: The Secularization of Society* (New York: New York University Press, 2023); David Voas and Mark Chaves, "Is the United States a Counterexample to the Secularization Thesis?," *American Journal of Sociology* 121, no. 5 (March 2016): 1517–1556.

2 Christopher P. Toumey, "Evolution and Secular Humanism," *Journal of the American Academy of Religion* 61, no. 2 (July 1993): 275–301.

3 "Humanist, Atheist, Agnostic and Nonreligious Elected Officials," Center for Freethought Equality, accessed April 28, 2023, <https://www.cfequality.org/secular-elected-officials>; Russell Contreras, "When Congress Is More Christian and Religious than the Rest of America," *Axios*, 23 April 2023, <https://www.axios.com/2023/04/23/lawmakers-more-religious-general-public>; Joseph Blankholm, "Secularism and Secular People," *Public Culture* 30, no. 2 (2018): 245–268.

4 Tomoko Masuzawa, *The Invention of World Religions: Or, How European Universalism Was Preserved in the Language of Pluralism* (Chicago: Chicago University Press, 2005); Tisa Wenger, *We Have a Religion: The 1920s Pueblo Indian Dance Controversy and American Religious Freedom* (Chapel Hill: University of North Carolina Press, 2009); Tisa Wenger, *Religious Freedom: The Contested History of an American Ideal* (Chapel Hill: University of North Carolina Press, 2017); Joseph Blankholm, *The Secular Paradox: On the Religiosity of the Not Religious* (New York: New York University Press, 2022).

riences and distinct from women's experiences in other parts of the world. The extra burdens that secular women bear are evidence of the US state's dependence on religion, just as they reflect the patriarchy of US culture and the fact that domestic labour continues to be primarily women's work. These burdens are not only products of a distinctively American history, but also of a deeper Euroamerican inheritance that shapes the proper roles of religion and women alike.⁵

This chapter is organised into four parts. In the first section, I distill a conversation I had with a woman whom I call 'Catherine', who was the first person to draw my attention to the unique burdens that secular women bear in the US. Following Catherine's lead, I highlight the uniqueness of the American configuration of religion, state, and society by comparing the US to some countries in Europe.⁶ In the second section, to support Catherine's analysis, I sketch a brief history of American civil society and the ways in which the US government relies on christianity and other religions to provide basic social services. In the section that follows, I analyse the growth of the US nonprofit sector as part of a larger turn to neo-liberalism, and I draw a comparison between the creative destruction of the American economy and the creative destruction of secular women who replace religion. In the fourth section, I rely on ethnographic research and a survey I fielded to share secular women's experiences in their own words. I conclude by suggesting how this chapter can contribute to explaining the state's indirect role in the so-called 'gender gap' in American religiosity.

I focus specifically on the burdens that secular women bear when caring for their families, raising children, and sustaining their broader community because women told me time and again that these parts of life become extra difficult without the support of organised religion. By contrast, none of the non-religious men whom I interviewed or spent time with during my ethnographic field research noted the impact of religion's absence on their family lives. In other words, because patriarchy remains pervasive in the US, domestic labour remains a highly gendered concern. Observing the intense asymmetry of this concern should not be confused with claiming that domestic labour is naturally or essentially women's. Indeed, my aim is to critique prevailing norms by showing how the centuries-long cosy relationship between religion and the US state burdens women in general and especially those who are secular. I should also note that while many Americans lead fulfilling lives without marrying or having children, those who do

⁵ Joan Scott, *Sex and Secularism* (Princeton: Princeton University Press, 2018).

⁶ On "secularism" as the relationship among the state, religion, and society, see Alfred Stepan, "The Multiple Secularisms of Modern Democratic and Non-Democratic Regimes," in *Rethinking Secularism*, edited by Craig J. Calhoun, Mark Juergensmeyer and Jonathan VanAntwerpen (Oxford: University Press, 2011), 114–144.

embrace normative family life face distinct challenges that are both important to acknowledge and illustrative as symptoms of larger social forces. By focusing squarely on the challenges of family life for women, my aim is to reveal some of the overlooked symptoms of the US state's relationship with religion and the protant normativity of its nonprofit sector.

Catherine's Non-Religious Burdens

This chapter relies in part on several years of ethnographic research among secular activists and everyday non-believers in the United States. By non-believers I mean people who understand themselves to be atheists, agnostics, humanists, or free-thinkers, though many also identify with more obscure labels like naturalist, rationalist, sceptic, or apatheist. From 2012 through 2018, I conducted more than 100 interviews with the leaders, former leaders and everyday members of groups formed by and for non-believers. Some of these groups have a national presence, like the Center for Inquiry (CFI), the American Humanist Association (AHA), and the Freedom From Religion Foundation (FFRF). Other groups are small, local, and sometimes short-lived.⁷ These small communities organise on Meetup.com, through email listservs, or by word-of-mouth; they sometimes meet as much as once a week, though they might also go months without meeting; and they are usually led by volunteer organisers. I also participated in dozens of conferences, workshops, training sessions and other kinds of events that non-believers organise. Over time, I became deeply familiar with the variety of ways that non-believers live their non-religion, and I grew to understand their intractable sources of disagreement.⁸

Most of those whom I interviewed during my research I reached by chain referral, either through formal introduction or through recommendation and the use of publicly available contact information. Interviews were semi-structured and covered a wide range of topics, including organisational and personal history, interorganisational cooperation, and the constellation of labels used by non-believers. Conforming with ethnographic norms, I have guaranteed the anonymity of those with whom I spoke by assigning them pseudonyms and changing their identifying biographical details. This is what I have done with Catherine, whom I met several times during my years of field research.

7 Alfredo García and Joseph Blankholm, "The Social Context of Organized Nonbelief: County-Level Predictors of Nonbeliever Organizations in the United States," *Journal for the Scientific Study of Religion* 55, no. 1 (2016): 70–90.

8 See Blankholm, *The Secular Paradox*.

Catherine convinced me of the unique burden that secular women bear when I was interviewing her in her office in Washington DC in 2016. After more than two decades as a high-level Republican insider, Catherine was hired to run a prominent lobbying group for secular people in 2012. She is witty and charming, if always careful and a little guarded, so I was grateful to sit down with her for two long interviews about a wide range of topics, including her experiences as a secular woman. In her work in the secular activist movement, Catherine has traveled the world visiting non-believer groups, which has given her an unusually broad perspective on their diversity. Her insights into the unique challenges that secular women face in the US are worth quoting at length:

I'm a prime target for a local [non-believer] group. I've been to the local CFI [Center for Inquiry] meetings. I've been to the local AHA [American Humanist Association] meetings. I've been to those Meetup groups. I don't like them. I'll tell you why. When I traveled the country [visiting local non-believer communities], the biggest complaint I got was mainly from the ladies. The atheist movement is predominantly male because it's more based around science, and there are more men in the science field than women. The [typical] group is all about drinking sceptically, complaining about religion, and the latest narcissistic person on a book tour. You have less women there. Women are starting to come into the [secular] movement, but quite a few would try local groups and find them not relevant to their life. They were more interested in solutions for practical daily problems. With women, the burden falls on them for child-rearing. The husband's parents are elderly and need help – that falls on them. Somebody's getting married, all those arrangements. Somebody's dying. The kid needs some kind of naming ceremony. They're responsible for that world, so they're looking for those services. Religion's big in that service. Planning family holidays. So most of the men, they would say they cared about those things, and they would say, 'I can contribute money, but I can't contribute any time. I want it taken care of. I'll work and make money, but I'm not the right guy to worry about mom, dad, funerals, marriages, getting kids into college, getting into preschool, getting the healthcare, all that.' That's traditionally something more females are doing in society. And when you're out there trying to fill all those needs, you're constantly bumping up against religion as a major provider. Sometimes, I've heard jokes. I'm sure you have, too. Men will say, "I'm thinking about the multiverse, and I'm worried," and a woman will say, "I have a kid I'm trying to get to college this summer. How do I get them moved and get them into a safe environment?"

As Catherine describes, women bear the burden of non-religion disproportionately in the US because in American families, domestic work like caring for extended family and raising children mostly remains women's labour.⁹ That secular

⁹ Sampson Lee Blair and Daniel T. Lichter, "Measuring the Division of Household Labor: Gender Segregation of Housework Among American Couples," *Journal of Family Issues* 12, no. 1 (March 1991): 91–113; Jill E. Yavorsky, Claire M. Kamp Dush and Sarah J. Schoppe-Sullivan, "The Production of Inequality: The Gender Division of Labor Across the Transition to Parenthood," *Journal of Marriage and Family* 77, no. 3 (June 2015): 662–679.

women so rarely have organisations like churches that they can turn to for support only heavies their burden.

Catherine is aware that the United States is somewhat unique. Life-cycle rituals, like weddings and memorial services, remain largely modeled on christian versions, and there is a lack of institutional support for alternatives for secular people. She described how life is different for non-believers in some countries in Europe:

There are models, fantastic models, in Europe. I know in Switzerland and in Germany, they have a 3 per cent tax for religion. If you're born Catholic or Protestant, that money goes to that church. They have more money than they know what to do with because they don't have people going to church anymore. I was in Finland in April, and there the government pays for people's burials. The humanist association there is in the business of burials, and that's where they get most of their millions of dollars. They handle the whole burial. Their membership is way up because everybody knows they're going to die, and they're going to need to be affiliated with a group that handles burials. And they also handle weddings. I was in Iceland just a couple of weeks ago and met with a group there. They have finally gotten their official status, and their membership has exploded, and they're getting money from the government for confirmations for early teens. Just sort of a coming-of-age ceremony. And it's not religious, but people are used to having that in society. It's beautiful. It's not a bad thing for a 12-year-old to go through some classes to talk about being a responsible citizen of the world and what it means to be an adult. So that's a value for society, so they're getting funding from the government to provide that for the people who don't want to label themselves as Catholic or Protestant. These are services people care about and will pay for. They're not free. They're not really free at a church. There are fees. You're being leaned on for donations. You're given a copy of the church's budget every year, and you're expected to contribute.

Speaking off the cuff, Catherine did not get the details of German and Swiss religion taxes exactly right (the taxes are more complicated than a flat 3 percent), but she is right about the dearth of secular alternatives in the US and right that in some European countries, taxpayers support religious and religion-like services.¹⁰ By contrast, in the United States, civil society and especially religious nonprofits are almost entirely responsible for providing services like weddings and funerals.¹¹ Ironically, state support for religion and religion-like alternatives can make religion less necessary, even as some secular people consider life-cycle rituals too

¹⁰ "In Western European Countries With Church Taxes, Support for the Tradition Remains Strong" (Pew Research Center, Washington DC, 2019), accessed 31 August 2013, <https://www.pewresearch.org/religion/wp-content/uploads/sites/7/2019/04/Church-Tax-in-Western-Europe-FOR-WEB-4.30.pdf>.

¹¹ Kathleen Garces-Foley, "Funerals of the Unaffiliated," *OMEGA* 46, no. 4 (2003): 287–302; Per Smith, "Spitting With the Wind," *The New Humanism*, accessed 31 August 2013, <http://thenewhumanism.org/authors/per-smith/articles/spitting-with-the-wind>; Dusty Hoesly, "Need a Minister?"

religious.¹² Without non-religious institutions to support life-cycle rituals, Americans are less able to be indifferent to religion; they feel its absence more acutely, and they are more often spurred to engage it. The costs of time, effort, and money are real for secular people in the United States who still want life-cycle rituals and other parts of life that they associate with religion, even after they have left religious institutions and are now among the religiously unaffiliated.

Catherine emphasised this point when she told me about her own experience seeking religious services as a non-religious person:

I needed all those things. [When I was] 35 years old, I went and joined a church to get a baby-naming ceremony. I schlepped in there and showed up at 35 years old, pregnant. Asked around everywhere. I went and interviewed all these rectors. The Episcopal Church was the most liberal and lenient. I had my baby, and I had to go through confirmation. I had to be 35 years old and have a bishop lay his hands on me so I could have a place to park my baby. I did it, and the rector knew I didn't believe in god. So I went three years. Baby one, baby two. Got my three celebrations, got my godparents lined up. Ten godmothers and ten godfathers. He had a service, and we gave the church a big donation, and we had a beautiful ceremony and announced the baby to the world. Big party at the house. Everybody flew in. My son is an atheist, and he decided that on his own, but he likes his godparents and having them in his life. Same for my daughter. Godparents are very helpful. My daughter loves the idea of her godmother. They send her gifts. They call her; they email her. They have networks around the world. They get to go and stay with them. These people are happy to have – many don't have children. They're happy to have godchildren. They're Jewish, they're atheist, whatever. Why not pick the best. The best tradition of what's out there and put it together and move forward. So I had to go use a church. They used me, and I used them, and I got what I wanted. That's how I feel.

Catherine joined a local Episcopal Church for reasons both cynical and sincere. Even though she did not believe in god and did not genuinely consider herself episcopalian, attending a church and supporting it financially earned her the life-cycle rituals she sought for her children. The burden of cost and time was enormous, but in the end, she considered her compromise worth the reward.

How About Your Brother?": The Universal Life Church between Religion and Non-Religion," *Secularism and Nonreligion* 4, no. 1 (October 23, 2015): Article 12.

12 Steve Bruce, *Secularization: In Defense of an Unfashionable Theory* (Oxford: Oxford University Press, 2011). Bruce argues that a voluntarist model, like in the US, is a step beyond established churches in the process of secularisation but can lead to more religious engagement in the near term.

Christianity as American Civil Society

The robust nonprofit sector in the US today is a relatively recent development. The number of nonprofits in the US grew from around 13,000 in 1940 to more than 1.5 million by 2000.¹³ As of 2021, there were roughly 1.8 million nonprofits registered with the Internal Revenue Service (IRS), including both religious and secular.¹⁴ Though nonprofits are an important part of US public life – and the US social safety net – historian Peter Dobkin Hall has shown why the growth of the nonprofit sector is not necessarily a good thing. Consolidating so much private wealth into the voluntary sector, or civil society, rather than taxing it and passing it through government, poses serious dangers to American democracy.¹⁵ It shifts the administration of social services and public goods to philanthropists and away from the control of elected officials, giving everyday people less power over their individual lives and their communities.

In some ways, religious nonprofits are special in the United States, and in others, they are no different from any legally incorporated organisation. Unlike secular nonprofits and for-profit corporations, religious nonprofits do not need to file financial disclosure forms with the IRS.¹⁶ Churches are unique among religious organisations because they are automatically exempt from taxes; they do not need to register with the IRS in order to avoid paying them. In matters like hiring and firing, religious institutions also have special legal rights that exempt them from parts of legislation like the Americans with Disabilities Act. In *EEOC v. Hosanna-Tabor*, for instance, the Supreme Court decided that a Lutheran Church affiliated school could fire a teacher because she is narcoleptic.¹⁷

¹³ Peter Dobkin Hall, “A Historical Overview of Philanthropy, Voluntary Associations, and Non-profit Organizations in the United States, 1600–2000,” in *The Nonprofit Sector: A Research Handbook*, edited by Walter W. Powell and Patricia Bromley, 2nd ed. (New Haven, CT: Yale University Press, 2006), 32–65.

¹⁴ Lewis Faulk, Mirae Kim, Teresa Derrick-Mills, Elizabeth T. Boris, Laura Tomasko, Nora Haki-zimana, Tianyu Chen, Minjung Kim and Layla Nath, “Nonprofit Trends and Impacts 2021” (Washington DC: Urban Institute, 2021), https://www.urban.org/sites/default/files/publication/104889/nonprofit-trends-and-impacts-2021_2.pdf.

¹⁵ Peter Dobkin Hall, “Philanthropy, the Nonprofit Sector & the Democratic Dilemma,” *Daedalus* 142, no. 2 (2013): 139–158.

¹⁶ Sarah Pulliam Bailey, “Major Evangelical Nonprofits Are Trying a New Strategy with the IRS That Allows Them to Hide Their Salaries,” *Washington Post*, 17 January 2020, <https://www.washingtonpost.com/religion/2020/01/17/major-evangelical-nonprofits-are-trying-new-strategy-with-irs-that-allows-them-hide-their-salaries/>.

¹⁷ *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC* (565 U.S. 171 2012); Winifred Fallers Sullivan, *Church State Corporation: Construing Religion in US Law* (Chicago: Chicago University Press, 2020).

Despite these differences, religious nonprofits are similar to secular nonprofits and other American corporations because they have influenced one another and co-evolved in the same structural ecosystem, which has been shaped deeply by protestantism. Historians Ruth H. Bloch and Naomi R. Lamoreaux have shown how government officials – usually protestants – regulated civil society in the nineteenth century by deciding which groups could legally incorporate, which is to say, create a state-sanctioned legal fiction that possesses many of the rights of individual personhood.¹⁸ Hall has also elaborated the religious history of civil society in the United States and the role of protestantism, in particular, in the development of America’s thriving nonprofit sector.¹⁹ Protestants have shaped civil society in their own image. Regulated by many of the same laws and innovated under the same constraints, religious nonprofits and for-profit corporations continue to mirror one another. Religious Studies scholar Kathryn Lofton has argued convincingly that corporations and religious groups are often indistinguishable.²⁰

Though organisations that are legally sanctioned as ‘religious’ continue to receive the largest percentage of all charitable contributions in the United States, it is impossible to calculate how many of these organisations there are because “religious congregations and organisations with less than \$5,000 in gross receipts are not required to register with the IRS”, and because most registered nonprofits do not report to the IRS every year.²¹ The religious subset of the nonprofit sector is the most economically important, but it is also the most difficult to observe.

The US has strengthened its nonprofit sector in recent decades by relying on nonprofits to deliver government services rather than delivering them directly. Conservative politicians have used this strategy to bolster religious nonprofits, in particular. In 1996, the US Congress passed the Personal Responsibility and Work Opportunity Act, which simultaneously eroded the US welfare state and created the first government ‘faith-based initiatives’. The US again ramped up its efforts to distribute government services through faith-based organisations after the election of George W. Bush in 2000. In 2001, President Bush created the White House Office of Faith-Based and Community Initiatives, though only a small frac-

18 Ruth Bloch and Naomi Lamoreaux, “Voluntary Associations, Corporate Rights, and the State: Legal Constraints on the Development of American Civil Society, 1750–1900” NBER Working Papers 21153, National Bureau of Economic Research, Inc.

19 Dobkin Hall, “A Historical Overview of Philanthropy, Voluntary Associations, and Nonprofit Organizations in the United States, 1600–2000.”

20 Kathryn Lofton, *Consuming Religion*, Class 200: New Studies in Religion (Chicago: Chicago University Press, 2017).

21 “The Nonprofit Sector in Brief 2019” (Urban Institute: National Center for Charitable Statistics, 2020), <https://nccs.urban.org/publication/nonprofit-sector-brief-2019#the-nonprofit-sector-in-brief-2019>.

tion of the \$8 billion that the Bush administration promised to faith-based organisations was ever delivered.²² In recent years, around a third of the overall revenue that US nonprofits receive comes from government contracts.²³ Nonprofits, and religious nonprofits in particular, are both an extension of the American government and a domain beyond its oversight.

Creative Destruction: The Push and Pull of Non-Religious Freedom

Given the important role that the US government has assigned nonprofits in the deconstruction of its welfare state, it is no coincidence that the enormous growth of the nonprofit sector should coincide with the economic and structural trends toward privatisation and atomisation that have come to bear the name ‘neo-liberalism’. Marxist geographer, David Harvey characterises neo-liberalism as “a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterised by strong private property rights, free markets, and free trade”.²⁴ In brief, this means “deregulation, privatisation, and withdrawal of the state”.²⁵

Because nonprofits are especially valuable in US communities where the government fails to deliver adequate public services, the nonprofit sector has become a tool for market-based critique of government bloat. According to neo-liberal theory, competition among nonprofits for government contracts to deliver public services is more efficient than a government agency delivering those same services. Breaking government into component parts and engaging those parts in competition are ways of introducing market logic into the welfare state. Awarding tax-payer-funded contracts to non- and for-profit corporations and encouraging them to compete with one another are ways of eroding the government’s

²² Rebecca Sager, *Faith, Politics, and Power: The Politics of Faith-Based Initiatives* (Oxford: Oxford University Press, 2010). 4.

²³ “Nonprofit Impact Matters: How America’s Charitable Nonprofits Strengthen Communities and Improve Lives” (Washington DC: National Council of Nonprofits, 2019), nonprofitimpactmatters.org/site/assets/files/1/nonprofit-impact-matters-sept-2019-1.pdf.

²⁴ David Harvey, *A Brief History of Neoliberalism* (New York: Oxford University Press, 2005), 2.

²⁵ Harvey, *A Brief History of Neoliberalism*, 3.

structural importance by establishing alternatives to government administration and reducing the state to a financial intermediary.²⁶

To describe the impact of the neo-liberal revolution, Harvey borrows the phrase “creative destruction” from the economist Joseph Schumpeter, who uses it to describe the destructive forces inherent to economic innovation. Schumpeter draws on the economics of Karl Marx to name and identify “creative destruction”, which in Schumpeter’s theory will contribute to capitalism’s collapse.²⁷ “Creative destruction” was later used by neo-liberals to label the process of downsizing that makes companies lean and agile in a competitive market.²⁸ Whether this creative destruction is good or bad is now in the eye of the beholder.

Secular life, including the lives of secular women, is a microcosm of these larger transformations. Many scholars of secularism have observed a close relationship among being secular, secularism, and the autonomous individual of liberal democratic nation-states.²⁹ On a more everyday level, sociologist Christel Manning has observed that non-religious parents usually emphasise letting their children choose whether to be religious – and which religion to choose – rather than imposing ‘no religion’ on them.³⁰ Kathryn Lofton has made a similar observation about the rise of child-rearing literature, reading it as a symptom of the atomisation of the family and the increased burdens that neo-liberalism places on individuals, especially women.³¹ In the absence of institutional support, secular women face more choices – and more difficult choices – than Americans who are embedded in religious communities that can benefit from tax deductions and the direct support of the US government.

26 Helmut K. Anheier and Lester M. Salamon, “The Nonprofit Sector in Comparative Perspective,” in *The Nonprofit Sector: A Research Handbook*, edited by Walter W. Powell and Patricia Bromley, 2nd ed. (New Haven: Yale University Press, 2006), 89–114.

27 Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy*, 1st ed (New York: Harper Perennial Modern Thought, 2008).

28 Richard L. Nolan and David C. Croson, *Creative Destruction: A Six-Stage Process for Transforming the Organization* (Boston: Harvard Business School Press, 1995).

29 Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity*, Cultural Memory in the Present (Stanford: Stanford University Press, 2003); John Lardas Modern, *Secularism in Antebellum America: With Reference to Ghosts, Protestant Subcultures, Machines, and Their Metaphors: Featuring Discussions of Mass Media, Moby-Dick, Spirituality, Phrenology, Anthropology, Sing Sing State Penitentiary, and Sex with the New Motive Power* (Chicago: Chicago University Press, 2011); Saba Mahmood, *Religious Difference in a Secular Age: A Minority Report* (Princeton: Princeton University Press, 2016); see Scott, *Sex and Secularism*.

30 Christel J. Manning, *Losing Our Religion: How Unaffiliated Parents Are Raising Their Children* (New York: New York University Press, 2015).

31 Kathryn Lofton, “Religion and the Authority in American Parenting,” *Journal of the American Academy of Religion* 84, no. 3 (September 2016): 806–841.

It is therefore also in this double sense, good and bad, that ‘creative destruction’ is a fitting metaphor for secular women’s relationship with religion and the services that institutions like churches can provide. The negation that liberates secular women from religious belief, obligations, and traditions also generates a need to recreate what religious institutions and professionals have long provided. This destruction can be a joyful experience of freedom; it can also generate a burdensome, never-ending to-do list.

Listening to Secular Women

In addition to the many secular women I spoke with during the field research I conducted between 2012 and 2018, I have also learned from the secular women who responded to a survey I fielded. In March and April of 2021, the Secular Communities Survey (SCS) collected 12,370 valid responses from organised non-believers in the United States. For the purposes of the survey, “organised non-believers” are people who responded affirmatively in response to our screener question, “Have you ever belonged to a group or community, online or in-person, specifically for atheists, agnostics, humanists, or other kinds of nonbelievers?”³² These are the same groups I studied during my ethnographic research.

In response to open-ended questions asked on the SCS, many secular women wrote that they bear extra domestic burdens because they are secular. In this section, I give these women space to speak for themselves and describe their particular experiences of being non-religious. The examples I focus on relate mostly to raising children and building supportive communities. In the background of the experiences these women describe are larger social forces like christianity, neo-liberalism, and patriarchy, which structure their lives and make their everyday demands uniquely theirs. The SCS is anonymous, so I identify the women by their age (which somewhat indicates their life stage) and their location (since there are fewer secular people outside of major cities).

Secular women observe that childcare and other child-rearing needs are among their most difficult challenges.³³ For example, a woman who is 51 and

³² See also Ryan T. Cragun, Christel Manning and Lori L. Fazzino, *Organized Secularism in the United States: New Directions in Research* (Berlin: DeGruyter, 2017).

³³ For an excellent and far more thorough study of non-religious parenting, see Manning, *Losing Our Religion*; Christel J. Manning, “Unaffiliated Parents and the Religious Training of Their Children,” *Sociology of Religion* 74, no. 2 (2013): 149–175.

lives outside of Denver, Colorado acknowledged that raising children without religion comes with certain social burdens:

[The] only downside to not being religious is wishing I could find more NON-religious people to hang out with. I live in a highly religious area, and there are so many family or mother/child groups that are part of churches. It would be nice to fit in. Religion is a huge part of several neighbors' lives, and I worry they'd reject our kids if they knew we're not religious.

Another woman, who is 37 and lives in a suburb of Chicago, described how the COVID-19 pandemic made the task of finding secular families to socialise with more difficult: "It has been a challenge to find other atheists, as many people don't self-identify as such. My spouse and I were looking into more in-person activities right when COVID-19 hit, to find other families with younger children to connect with". For both women, raising children without religion is a mixed bag of freedom and the extra burdens that go along with it.

Finding a community of like-minded non-believers can be especially important and especially difficult in parts of the US that are religiously and politically conservative. A 44-year-old woman who lives in rural Pennsylvania said that community is one of the things she misses most about being religious. She elaborated: "Particularly now that I have a child it's frustrating that I feel like I'm setting her up to feel very alone in our conservative Christian area". A 54-year-old woman, who lives in a rural area outside of Washington DC, described how she hid her atheism while her children were growing up:

I live in a RED republican area, and I know that my children would have had repercussions if I had said something when women I knew in the schools and volunteered with etc., talked about their churches and bible studies and wanted me to join their churches. They prayed if we ate out, etc. So I said nothing, for years, so that my kids wouldn't suffer from MY choices, my atheist views. My kids graduated college with Master's [degrees], and [are] out living their own lives now. So now, fuck it, I hold nothing back. I don't care what anyone thinks anymore.

Like Catherine, this woman's care for her children led her to compromise in public and hide her identity. Now that her kids are adults, she has unburdened herself of a social obligation she had taken seriously for decades.

Women also expressed how hard it can be to find a sense of community for themselves when they are non-religious. A 38-year-old woman who lives outside of Dallas, Texas, told us: "Sometimes I miss having the instant belonging that comes with being a part of a religious group". A 39-year-old woman who lives in a small town in Northern Utah expressed a similar longing: "Having a community of people where I could make friends and who I could also rely on to help me during times of illness or emergency". And a third woman, who is 64 and lives

near Boca Raton, Florida, described how she has compromised in the past to fulfill her need for community: “Personally, I have participated in organised religion for the community aspects but am not either religious or spiritual”. Like Catherine, she was religious – at least in some sense – despite not being a believer and not considering herself spiritual. Her compromises reflect her unique burdens.

Though many secular women reported a need for strong non-believer communities in their SCS responses, few have the option of joining a community that meets familial needs in the way that many religious communities can. At a workshop I attended in 2012 for leaders of non-believer communities, women repeatedly described how local non-believer communities fail to meet their needs, and they suggested that this failure makes it difficult for women to become secular. A woman named Kirstin described her ideal and how secular communities fall short:

My dream is to have an Ethical education program that meets at least twice a month. I feel like there are life-cycle issues where people drop out of the [secular] movement. People drop out after college and after they start having children and families. If you want women to come to your discussion groups, you need to have child care. If you have a picnic, you need games and stuff. We're growing toward that time when we can become a legitimate alternative to religious institutions. We aren't yet a legitimate alternative. We're just not.

A woman named Charlotte also talked about her ideal secular community: “I keep having these fantasies. If I won the lottery, I'd buy a building, and I'd have a Freethought Hall, or something, a place where you can take your children and have help like that and involvement with other people”.

Another woman, Debbie, who leads a community in Iowa, explained how catering to families completely changed the demographics of her group. She and other leaders wanted to make her community “more family friendly, so moms don't have to watch the kids while husbands come to events”. She said her community “started going to an arcade because it's a more kid-friendly venue”, and they now organise picnics on Memorial Day and Labor Day. Her community has grown to over 100 people, and she told us that about half who attend are now families. Before this change, Debbie was often the only woman to attend events. The overwhelming maleness of the group kept women away: “It was very intimidating for a new woman to come because all the men would hit on the one new woman. They had to make a rule that they would leave the one woman alone”. Though these men's inappropriate behavior cannot be solely blamed on the scarcity of women in their community, in Debbie's perception, recruiting more families solved the problem.

The experiences of Kirstin, Charlotte, and Debbie resonate with Catherine's theory that many secular women want to be able to join religion-like communi-

ties for secular people but that the communities that exist mostly cater to men. The absence of strong secular communities in many parts of the US means that secular women lack adequate support from a community of like-minded non-believers. Without access to tax-supported or church-subsidised ritual specialists and family services, secular women bear the burden of their non-religious freedom disproportionately.

Conclusion

I began this chapter with Catherine's insight that non-religious women experience unique burdens in the United States. I then supported Catherine's claims by showing the religious origins of the US nonprofit sector and the special privileges that American law affords religious nonprofits, especially churches. I then showed how the US nonprofit sector has grown rapidly over the past several decades and how this growth is part of a larger trend toward neo-liberalism. Within this reorganised regime, religious nonprofits occupy a privileged role and have extra support from efforts like the White House Office of Faith-Based and Community Initiatives. The structural benefits of being religious continue to be awarded to those who can successfully mimic Protestantism.³⁴

Sometimes secular communities are successful enough at playing the protestant game that they can benefit from tax breaks and government grants. But more often than not, secular people in the US live in religion's large remainder.³⁵ Secular women, in particular, feel religion's structural absence in their everyday domestic lives. The burdens they experience are symptoms of larger social forces like christian influence, trends toward neo-liberalism, and a patriarchal division of domestic labour (which is consistent with christianity, though not distinctive to it, since patriarchy prevails among secular people, too).³⁶

These structural forces can also help us understand some of the reasons that women remain more religious than men in the United States, which is not the case in many other Western countries.³⁷ Social scientists have long recognised a so-called 'gender gap' between the religiosity of men and women. Some have explained this difference in biological terms, arguing that leaving religion is socially

³⁴ See Wenger, *We Have a Religion*; Nongbri, *Before Religion*.

³⁵ See Blankholm, *The Secular Paradox*.

³⁶ See Scott, *Sex and Secularism*.

³⁷ Joseph O. Baker and Andrew L. Whitehead, "Gendering (Non)Religion: Politics, Education, and Gender Gaps in Secularity in the United States," *Social Forces* 94, no. 4 (June 2016): 1623–1645.

risky and that testosterone makes men less risk averse.³⁸ Women, so the argument goes, are less willing to suffer the stigma of being secular. Others have explained this aversion to stigma by arguing that women face far more discrimination than men, so their continued engagement with religion is practical, rather than hormonal.³⁹ Supporting the view that religious differences are not biologically innate, other scholars have found that the religious gender gap varies not only across cultures, but also within religion.⁴⁰

Catherine's theory provides a helpful supplement for understanding the state's role in the ostensible gender gap in US religiosity. In a patriarchal society like the United States, certain domestic responsibilities fall disproportionately on women. Because American civil society, including religion, has long delivered services that help women bear these burdens, leaving religion is more difficult for women, especially if they have families. As neo-liberalism further atomises both families and the welfare state, the burden on secular women grows. By contrast, in some countries in Europe, government has replaced some of these services because their welfare states are more robust and because they configure the relationship between church and state differently, allowing direct taxpayer support for both conventionally religious and nontheistic clergy. The persistence of patriarchy despite an increasing number of women entering the workforce makes life-cycle rituals and services like childcare important needs for secular women and thus important services for secular communities to offer. For some women, these resources are indispensable, so like Catherine, they seek them where they can, including in religions they do not consider their own.

The difficult choices that non-religious women face when raising children and caring for their families are symptoms of a broader reality in the US, in which religious organisations provide vital support. The everyday experiences of non-religious women point to the structural importance of religious support because they show how challenging it is to reject religion. That many non-believer communities fail to replace the services that religious communities provide tells its own interesting story. Sometimes non-believers want to avoid forming communities at all because they seem too religious. Even when they do form communi-

³⁸ Landon Schnabel, "How Religious Are American Women and Men? Gender Differences and Similarities," *Journal for the Scientific Study of Religion* 54, no. 3 (2015): 616–622; Landon Schnabel, "The Gender Pray Gap: Wage Labor and the Religiosity of High-Earning Women and Men," *Gender & Society* 30, no. 4 (August 2016): 643–669.

³⁹ Penny Edgell, Jacqui Frost and Evan Stewart, "From Existential to Social Understandings of Risk: Examining Gender Differences in Nonreligion," *Social Currents* 4, no. 6 (2017): 556–574.

⁴⁰ Landon Schnabel, "More Religious, Less Dogmatic: Toward a General Framework for Gender Differences in Religion," *Social Science Research* 75 (September 2018): 58–72.

ties, they often emphasise reading groups or lectures and avoid elements that feel too much like religion. Secular people's aversion to religion and to translating elements like religious ritual into secular analogues exacerbates women's challenges. Anxieties about seeming too religious contribute to secular women like Catherine turning to religion to find what they need.⁴¹ The absence of support for secular women's domestic labour is partly due to christianity, partly due to neo-liberalism, partly due to patriarchal divisions of labor, and partly due to secular people's own unwillingness to resemble religion too much. These entangled forces shape secular women's lives and leave them with more than their fair share to bear.

⁴¹ See Blankholm, *The Secular Paradox*.

Stacey Gutkowski

State (Non)Secularism and Religious Ambivalence in the Middle East

Since the 1990s, scholars based in the West have taken greater interest in relationships between islam and state in the Middle East and North Africa (MENA). Dynamics which evolved during the 1980s captured imaginations: islamic social revivalism, increased Islamist political party activism, regional ascendancy of religiously conservative governments in Iran and Saudi Arabia. A watershed came when Al Qaeda articulated its 11 September 2001 attacks on the United States through a jihadist idiom. This drew unprecedented Western attention to islam, driving study of islam from the margins to the mainstream of Western social science.

Against this backdrop, some scholars have sought to highlight the islamic revival's historical and social limits, drawing attention to the development of secular ideas in the Middle East from the nineteenth century through the 1960s. The heyday of modern secular political and social ideas across the Middle East was from the 1920s through the early 1970s, peaking in the 1950s and 1960s.¹

Two main strands of academic discussion of the secular in the MENA have emerged. One discusses secularism as a political project grounded in separating civil governance from clerical authority. This political project first developed in culturally protestant christian contexts but with universalising ideals. It spread beyond Europe with the emergence of the modern state system. Its ideals were adopted and adapted in the region, first by the Ottoman Empire in the late nineteenth century and then modernising nationalist state leaders in the twentieth. Some scholars within this strand, building on Talal Asad's work on the culturally protestant, European genealogy of secularism, have explored how 'modern secular governance' as a universalising ideology continues to impact the region, simultaneous with islamic political and social revival.²

A second strand of scholarship on individuals emerged from discussions of 'everyday islam'.³ It explores the muslim-secular lifeworlds of those interrogating

1 Paul Salem, "The Rise and Fall of Secularism in the Arab World," *Middle East Policy* 4, no. 3 (1996): 147–160.

2 Saba Mahmood, *Religious Difference in a Secular Age: A Minority Report* (Princeton: Princeton University Press, 2015). Hussein Ali Agrama, *Questioning Secularism: Islam, Sovereignty, and the Rule of Law in Modern Egypt* (Chicago: Chicago University Press, 2012).

3 Nadia Fadil, "not-/unveiling as an ethical practice," *Feminist Review* 98 (2021): 83–109.

the scope and boundaries of islamic tradition, including those who distance themselves from islam, with particular focus on the 2010s onwards.⁴ Both strands of scholarship engage with scholarship on ‘secularism’ and ‘non-religiosity’ in Western, culturally christian, liberal democratic contexts, while highlighting differences, including ways in which concepts developed with the West in mind do not apply.

However, rich engagement between the two strands of scholarship on the muslim-majority parts of the MENA, on secularism as a political project and on secular lifeworlds respectively, is still nascent. These two strands focus on different levels of analysis: large social structures (such as but not limited to the state) and individuals respectively. There is a gap despite scholars repeatedly highlighting how for 40 years, governments responding to political competition from islamists have helped enforce social conformity to religious, patriarchal and other traditional norms, allowing religiously conservative actors to impose their way of life on others. This has produced a different Middle East than that of the 1920s to the 1960s, when more secular, liberal ways of life were publicly visible, particularly among urban upper and middle classes. Interestingly, there is extensive literature on Israel’s jewish citizens, on jewish secular lifeworlds, on questions of political secularism, and on relationships between agents and social structures.⁵ However, there is also practically no engagement between literatures on jewish secularity in Israel and on muslim secularity as it is lived in Arab, Turkish and Iranian contexts, despite clear parallels.

First, an important caveat: the concept of the secular continues to be widely rejected within islamic contexts, but this does not mean that it does not exist.⁶ Scholars have begun to excavate a new history of what they call ‘Islamicate Secularities’ in islamic-majority contexts, including the MENA, with secularity defined as the cultural, symbolic and institutional differentiation between religion and other social spheres.⁷ Differentiation between what is and is not part of the realm of islam was integral to social development of islam as it spread beyond the con-

4 Karin Van Nieuwkerk, “Introduction: ‘Religious Transformation in the Middle East: Spirituality, Religious Doubt, and Non-Religion in the Middle East’,” *Religions* 12, no. 426 (2021): 1–7.

5 Stacey Gutkowski, *Religion, War and Israel’s Secular Millennials: Being Reasonable?* (Manchester: Manchester University Press, 2020) 11–48.

6 Florian Zemmin, “How (Not) to Take Secularity Beyond the Modern West: Reflections from Islamic Sociology,” *Working paper series of the HCAS ‘Multiple Secularities - Beyond the West, Beyond Modernities*, #9 (Leipzig: University of Leipzig, 2019) 44.

7 Markus Dressler, Armando Salvatore and Monika Wohlrab-Sahr, “Islamicate Secularities: New Perspectives on a Contested Concept.” *Historical Social Research* 44, no. 3 (2019): 7–34. By contrast, they define secularism as a normative position that religion and politics should be separated, plus political arrangements sustaining separation. Monika Wohlrab-Sahr and Marian

finest of Mecca and Medina in the seventh century. For example, Kramer notes that early Islamic scholars developed the idea of a “morally ‘indifferent’ domain (*al-mubab*) or neutral space”.⁸ In denoting some areas of moral behaviour as part of this domain, scholars “did not [seek] to separate them from the purview of Islam. Rather, they carved out spaces that could be regulated by human-made rules, provided those rules did not violate Islamic norms and values”.⁹ Such processes pre-date the advent of the modern state and are therefore not beholden entirely to the history of separation of religion and state that evolved in Europe.

The chapter proceeds as follows. First, it analyses the scholarship on secular lifeworlds and on secularism as a set of political projects in the Muslim-majority parts of the MENA. This is a critical synthetic review of academic literature which has not yet been done. Then the chapter turns to the case of Lebanon, where discussion of the secular is particularly rich. It examines marriage as an instance where questions of state and individual religious ambivalence intersect. Then, looking beyond Lebanon, the chapter presents a novel theoretical framework, inspired by Pierre Bourdieu’s field theory. It sketches an outline of a new research agenda for comparing relations between the state, society and religiously ambivalent individuals in the Middle East.

Ultimately, inspired by Schielke, I use ‘religious ambivalence’ to capture a range of meaning-making behaviours and beliefs established in the emerging ethnographic record. All are oriented towards the goal of living a good life, in different ways, with this range of behaviour and beliefs always fundamentally ordered in relation to religion.¹⁰ In Muslim-majority states, people position themselves in relation to the bounds of Muslim popular/conventional piety. The religiously ambivalent who were born into and are socially identified with a non-Muslim minority religious community orient both to Islam and to this non-Muslim community simultaneously. Such religious ambivalence is made possible by the social conditions of what Dressler, Salvatore and Wohlrab-Sahr have called “Islamicate secularity”.¹¹ However, the term as I use it refers specifically to the attitudes, behaviours and ideas of ‘individuals’ navigating these social conditions, working from their point of view outwards. Individuals may also of course be ambivalent towards those condi-

Burchardt, “Multiple Secularities: Towards a Cultural Sociology of Secular Modernities,” *Comparative Sociology* 11 (2012): 875–909.

8 Gudrun Krämer, “Religion, Culture and the Secular: The Case of Islam,” *Working paper series of the HCAS ‘Multiple Secularities - Beyond the West, Beyond Modernities’* #23, 74.

9 Kramer, “Islam,” 74.

10 See Johannes Quack, “Outline of a Relational Approach to ‘Nonreligion.’” *Method & Theory in the Study of Religion* 26, no. 4–5 (2014): 439–469.

11 See Dressler, Salvatore and Wohlrab-Sahr, “Islamicate Secularities.”

tions of secularity in their lived context. However, a growing body of literature on individuals suggests that the primary object of their ambivalence is the religious tradition of their birth, whether that be islam, christianity or otherwise. Drawing from Schielke, I understand religious ambivalence as an individual's emotional-social response to living under dynamic contemporary conditions of simultaneous religious revivalism and secularisation within the social sphere, a dynamic found across the MENA today, both among muslims and non-muslims.

Secular Lifeworlds and Religious Ambivalence in God-Obeying Societies

Sunni islam is the majority religion in the Middle East alongside a range of ethno-religious minorities who follow abrahamic (shi'ism, heterodox and/or syncretic forms of islam, many christian sects, judaism) and non-abrahamic faiths. Over the past decade, two new strands of writing have emerged to describe the lives of a small but seemingly rising number of people in muslim-majority Middle Eastern contexts who say they are unbelievers, ambivalent towards islam or explicitly not religious. The first strand of work is journalistic/memoir. It seeks to describe (or self-describe) the lived experience of atheists, often for a Western audience, with a strong normative current of human rights advocacy for unbelievers who can face penalties ranging from social sanction or ostracism to death.¹²

The second is ethnographic. This strand also seeks to describe the contradictions of everyday lived experience in a more theoretically informed way.¹³ While scholars agree about what they see ethnographically, they debate over interpretation and how to best read religious ambivalence: as shades of impiety/unbelief or as spiritual navigation in conversation with or even within islamic tradition. These two strands have joined a third, older strand of writing, which includes philosophy, exegesis and hermeneutics, which reflects on the nature of moral, scriptural and ontological doubt and is an outgrowth of the practice of *ijtihad* ('interpretation') within islamic tradition.¹⁴

¹² Brian Whitaker, *Arabs Without God: Atheism and Freedom of Belief in the Middle East* (CreateSpace, 2017).

¹³ Samuli Schielke, "Being a Nonbeliever in a Time of Islamic Revival: Trajectories of Doubt and Certainty in Contemporary Egypt," *International Journal of Middle Eastern Studies* 4 (2012): 301–320.

¹⁴ See Charles Hirschkind, "Heresy or Hermeneutics? The Case of Nasr Hamid Abu Zayd," *The American Journal of Islamic Social Sciences*, 12, no. 4 (1995): 463–477.

Underpinning recent scholarly (and Western media) interest in individual, lived religious ambivalence and secular lifeworlds is new data which attempts to quantify self-reported ‘divergence’ from conventional religiosity in a given muslim-majority Middle Eastern society. To register on a survey, what makes divergence different from *menafad* (‘never-minding’ or ‘gentle negligence’ of pious practice, which is internal to lived islamic tradition), is that it is self-described as such.¹⁵

This new data shows movement over time in many (not all) Arab countries, but it is problematic for reasons which I go on to unpack with ethnographic analytical nuance later in this section. For example, the Arab Barometer survey tracked religious change between 2013 and 2019 in 11 countries. The top two countries in 2013 where people self-identified as ‘not religious’ were Tunisia (31 percent) and Libya (25 percent). These are also the countries which show the greatest change, with more people self-identifying as such in 2019. However, context matters. In 2013, Lebanon had the second highest number of respondents declaring themselves to be not religious, and this number stayed almost entirely the same in 2019.¹⁶ This suggests new environmental factors in Tunisia and Libya that made it more socially acceptable to say you are not religious (likely related a least in part to the overthrow of dictators during the Arab spring and political rise of islamists). However, this was also a broader trend among North African youth, including Morocco, Egypt and Algeria. By contrast, factors making it socially acceptable to call yourself secular in Lebanon stayed the same over this period.

Critically, this is not a one-way process of religious decline in the region; rather, as demonstrated across the world and across time, piety is something which ebbs and flows in the short-medium term. The most recent Arab Barometer surveys carried out in 2021 to 2022 show that ordinary people are now less likely than in 2018 to 2019 to say they are not religious and more likely to say they engage in daily practices of piety, with these trends particularly strong among youth who had led the previous trend towards self-declared non-religiosity. This was the case in Palestine, Jordan, and Sudan as well as North Africa, though not the case in Lebanon or Iraq, where there were very slight increases of stated non-religiosity. Robbins, writing for the Arab Barometer, hypothesises that this may be blowback to the Covid pandemic and deteriorating economic conditions, but

¹⁵ On what constitutes Islamic tradition, I follow Talal Asad’s understanding of this. For a summary, see Talal Asad, “Thinking about Tradition, Religion and Politics in Egypt Today,” *Critical Inquiry*, accessed 8 December 2023, https://criticalinquiry.uchicago.edu/thinking_about_tradition_religion_and_politics_in_egypt_today/.

¹⁶ BBC, “The Arab World in seven charts: Are Arabs turning their back on religion?” BBC News, 24 June 2019, accessed 8 December 2023, <https://www.bbc.co.uk/news/world-middle-east-48703377>

concludes that further research is needed to confirm what is happening.¹⁷ More research would seem sensible as Iraq and Lebanon were both in economic crisis (Lebanon severely) and equally experienced the pandemic, so this explanation does not persuade. Still, the latest figures suggest caution, lest we overstate rising non-religiosity in the region.¹⁸

A more fine-grained survey in Iran, published in 2020, revealed even greater complexity. Only 32.2 percent of the population of the Islamic Republic were happy to say they are shi'ite, 22 percent said they were not religious, 8.8 percent said they were atheist and approximately 5.8 percent said they were not sure either way, what researchers called agnostic. Just over 7 percent described their beliefs as spiritual. But another important finding is that when asked about their beliefs in greater detail, 78 percent of participants said they believed in God. The data suggests that a sizeable segment of those expressing religious ambivalence say they believe in a conventional conception of god. Still, the content of unconventional (and conventional) theism in Iran begs scrutiny. Only 25.6 percent – to 37.3 percent claim to hold conventional twelver shi'ite beliefs, in life after death, heaven and hell, the coming of mankind's saviour, or jinn.¹⁹ This perhaps suggests that denying the creator god is seen as a step too far, even for the non-religious.

These ambiguities mirror what Schielke observed in the Egyptian context, where “there are many more people who are religious but in unconventional or critical ways than there are non-believers and even more who hold to conventional religious views but live impious lives.”²⁰ Schielke has also pointed out that *ilhad*, the common Arabic word for atheism, does not necessarily imply an ontological stance on the existence or non-existence of a god. What is more important is “one's stance towards other key issues of a religious world view” such as pious practice or acceptance of religious authority.²¹ Elsewhere, Schielke has argued that what is far more common in the “god-fearing” Egyptian context than forms of unbelief is “spir-

17 Michael Robbins, “MENA Youth Lead Return to Religion,” Arab Barometer, 23 March 2023, accessed 8 December 2023, <https://www.arabbarometer.org/2023/03/12924/#:~:text=In%20the%20seventh%20wave%20of,%E2%80%9D%2C%20particularly%20the%20region's%20youth.&text=In%20all%20countries%20surveyed%20across,%E2%80%9D%20or%20%E2%80%9C%20somewhat%E2%80%9D%20religious.>

18 See Jack David Eller, “A Quiet Tsunami: Nonreligion and Atheism in the Muslim World,” *Secular Studies* 4 (2022): 117–139.

19 Ammar Maleki and Pooyan Tamimi Arab, *Iranians' Attitudes Toward Religion: A 2020 Survey* (Netherlands: GAMAAN, 2020).

20 Samuli Schielke, “Being a Non-Believer in a Time of Islamic Revival: Trajectories of Doubt and Certainty in Contemporary Egypt,” *International Journal of Middle Eastern Studies* 44 (2012): 302.

21 Samuli Schielke, “The Islamic World,” in *The Oxford Handbook of Atheism*, edited by Stephen Bullivant and Michael Ruse (Oxford: Oxford University Press, 2013), 638–650, 639.

itual experimentation,” what he calls the “heretic undercurrents[. . .] the halo [or excess] that surrounds any tradition [such as islam] that tries to produce an orthodoxy”.²² As an illustration, he cites two examples: renewed interest in sufism in Egypt after the Arab Spring and Alireza Dootsdar’s account of “metaphysical seekers” in Iran who “combine[e] Shi’a Muslim tradition, veneration of the friends of god, long-established Muslim techniques of divination, Islamic theologies of the jinn and the unseen [with] New Age religiosities, older spiritualist traditions from the West, and Hollywood cinematic imagination”.²³

It could be easy to read spiritual experimentation or a sharp decline in those self-describing as conventionally shi’ite in Iran as political comment on its theocracy, which experienced repeat street protests in 2009, 2019, 2021 and 2022. Indeed, there is ethnographic evidence from Turkey, Egypt and elsewhere that those self-consciously diverging from popular piety or adopting a non-religious self-identity do so in partial protest at social, economic, and political conditions in their countries. Protestors are targeting first and foremost political authoritarianism and economic problems, not clerical power, the role of sharia law, or islamic social convention. Commentators have linked young people’s disappointment with the failure of 2011 Arab revolutions to achieve liberalised democracy answerable to them as citizens with rebellion against conventional piety as an attempt to enact personal freedom despite a failure to achieve political change. Still, it is also important to bear in mind Dootsdar’s insights (via Schielke) that spiritual seeking in Iran is “not necessarily [politically] oppositional”.²⁴ Further research is needed to fully assess the relative weight of political discontent versus personal history, like family influence.

Still, the presence of new survey data (due to new interest in the topic) can obscure what is and is not new about social phenomena. Benchemsi noted, “except in relatively small ultrareligious circles, secular lifestyles and attitudes are largely tolerated in the Arab world, for example drinking alcohol, having sex outside marriage in major cities, skipping/rescheduling daily prayer [. . .]. [I]t’s not religiosity that is mandatory, it’s the appearance of it [. . .]. [S]ocial hypocrisy provides breathing room to secular lifestyles while preserving the façade of religion”.²⁵

22 Samuli Schielke, “Secular Powers and Heretic Undercurrents in a God-Fearing Part of the World,” 4 December 2018, accessed 4 August 2023, <https://allegralaboratory.net/secular-powers-and-heretic-undercurrents-in-a-god-fearing-part-of-the-world/>.

23 Schielke, “Secular Powers and Heretic Undercurrents in a God-Fearing Part of the World,” 4. Alireza Dootsdar, *The Iranian Metaphysicals: Exploration in Science, Islam and the Uncanny* (Princeton: Princeton University Press, 2018).

24 Schielke, “Secular Powers and Heretic Undercurrents in a God-Fearing Part of the World,” 10.

25 Ahmed Benchemsi, “Invisible Atheists: The Spread of Disbelief in the Arab World,” *The New Republic*, 24 April 2015, accessed 8 December 2023, <https://newrepublic.com/article/121559/rise-arab-atheists>

Conversely, Franke has described how non-practicing or non-believing Muslims “wrap themselves in Muslimness” to please others, for example pretending to their families to pray or fast to produce “Muslimness on demand”.²⁶ In a different context, Wedeen has described what she calls people “act[ing] as if” something which is obviously untrue was true to maintain the veneer of everyday social stability under conditions of political authoritarianism.²⁷ The same could be said of long-standing ‘social hypocrisy’ surrounding religious ambivalence in Arab contexts, both on the part of those who are ambivalent and those close to them. A sarcastic-but-resonant remark by one of Benchemsi’s interlocutors shows how far this goes. She scoffed at the reported number of atheists in Egypt: “I could count more than that number of atheists at Al Azhar University alone” (based in Cairo, the most prestigious centre of sunni learning and scholarship for over a millennia).

While what has been happening since the 2010s is noteworthy, iconoclasm is not a contemporary or even modern phenomenon. For example, writers Bashshar b. Burd, Ibn al-Rawandi and Abu al-‘Ala’ al-Ma‘arri expressed “sceptical positions towards religion and divinity [. . .] irreverence and blasphemy” during the Middle Ages and medieval period.²⁸ Elsässer rightly notes that there are historical continuities and divergences at work in the increased public visibility of non-religiosity among Arabs since the 2010s. While atheistic ideas spread to the Middle East from the West in the late nineteenth century, with some embracing *mulhid* (‘atheist’) as a self-descriptor as early as the 1930s, this has been and continues to be very rare. Far more prevalent was freethinking or a critical stance towards religion found among intellectuals, peaking between the 1920s and 1950s. With the rise of political authoritarianism and conservative Islamic revivalism since the 1970s, freethinkers have instead used a discourse of secularism which, “as a religious stance [. . .] is a type of freethinking because it can be used to criticise dogmas and certain social and political effects of religion but brackets the [highly sensitive] question of belief itself”.²⁹

There is an old, pejorative vocabulary in Arabic for people who are immoral atheists (*mulhid/a*), impious (‘*asi*) or condemned infidels (*takfir*). More recently, there is a newly emerging, positive vocabulary in Arabic which those holding reli-

26 Lisa Maria Francke, “Muslimness on Demand: Critical Voices of Islam in Egypt,” *Religions* 12, no. 152 (2021): 2.

27 Lisa Wedeen, *Authoritarian Apprehensions: Ideology, Judgment and Mourning in Syria* (Chicago: University of Chicago Press, 2019), 145.

28 Al-Azmeh, *Secularism in the Arab World*, 227.

29 Sebastian Elsässer, “Arab Non-believers and Freethinkers on YouTube: Renegotiating Intellectual and Social Boundaries,” *Religions* 12, no. 106 (2021): 1–18.

giously ambivalent views use to express they are non-religious (*la-dini*, pl. *la-diniyun*), agnostic (*la-adri*), indifferent (*la-ikritati*) or deist (*rububi*), with a select few re-claiming the term ‘atheist’ (*mulhid*) from its overtones of immorality.³⁰ Van Nieuwkerk has observed in Egypt those who identify as muslim-spiritual, as agnostic, as atheist or as both spiritual and non-religious, though she agrees with Schielke that there is “difficulty in drawing firm lines between belief versus non-belief, as many of them remain spiritual whether within or beyond the self-defined boundaries of Islam”.³¹ I agree with Lara Deeb’s observation that we must lead with what we see empirically and “troubl[e] or at least ethnographically unpack [. . .] our understandings of the boundary between what counts as [. . .] the pious and what does not [because] the boundary itself [is] a moving target that is part of Muslims’ own ongoing discussions”.³²

While the literature on secular lifeworlds has focused mainly on self-making practices and discourses of the religiously ambivalent, including atheists, it has started to touch directly on questions of the state, primarily by addressing religiously critical socio-political activism but also by highlighting how states have enforced blasphemy laws, often through force, including torture and imprisonment, violating the human rights of atheists to self-expression and privacy. Such acts of political authoritarianism have forced self-described atheists, humanists and deists based in the region into anonymous online expression, a difference from Arabs who have migrated to Western democracies, some of whom have captured a media platform in the MENA. Elsässer rightly places this new media and online activism within a longer history of freethinking in the Arab world, particularly from the 1920s.³³ However, I would widen the landscape of analysis even further to include, for example the history of violence used by modernising, secularising regimes in Turkey and Iran against both their clerical critics and to force populations into adopting modern social practices and mores. Freethinking among the intelligentsia is, after all, part of the same social evolution which produced the secularist, Kemalist state in Turkey in the 1920s. It also produced Reza Shah’s ban on religious festivals, preaching in public and the wearing of religious symbols, and heavy restrictions on mosque activity and everyday life in the 1940s-1960s.³⁴ In Egypt in the 1950s and

³⁰ Elsässer, “Arab Non-believers and Freethinkers on Youtube,” 3.

³¹ Karin Van Nieuwkerk, “‘Uncovering the Self:’ Religious Doubts, Spirituality and Unveiling in Egypt,” *Religions* 12, no. 20 (2020): 8.

³² Lara Deeb, “Thinking Piety and the Everyday Together,” *HAU: Journal of Ethnographic Theory* 5, no. 2 (2015): 95.

³³ See Elsässer, “Arab Non-believers and Freethinkers on Youtube.”

³⁴ Chavoshian, Sana. “Secular Atmospheres: Unveiling and Urban Space in Early 20th Century Iran.” *Historical Social Research* 44, 3 (2019): 180–205.

1960s, Gamal Abdel Nasser banned the Muslim Brotherhood and jailed and killed its leaders. To understand individual freethinking or non-piety as fully as possible, I argue that we need to cast the net as wide as the full history of state development and religion in the region.

Questions of Religion and State: Secularism and Political Arrangements

This brings us to questions of secularism as a political project, religion, and the state. To address these, we must start before the establishment of the modern state system in the Middle East approximately 100 years ago.

In the most comprehensive work on secularism in the Arab world, recently translated from Arabic into English, Aziz Al-Azmeh speaks of secularism as a cultural orientation, facilitated through the spread to the MENA of “a bourgeois culture of global modernity”.³⁵ In the Arab world, this orientation was not hostile to religion but was “based on intellectual, social and cultural foundations that were outside the control of religious authorities and constituencies”.³⁶ Al-Azmeh describes the response of religious authorities to this new cultural orientation as *defensive*, whereupon “they created, in the flow of social differentiation brought about by modernity,” “a religious sector differentiated [from] others.”³⁷ This was a two-way process with differentiation of religion from other domains of life generated both from the state and from religious authorities simultaneously.

Starting in the nineteenth century, writers of the *al Nahda* (‘Arab cultural renaissance’) stressed the importance of modernisation, science and human rationality to prepare the region to compete globally with an advancing, capitalist West. Al-Azmeh traces the political advance of secularism as a cultural orientation through the organisational apparatus of the Ottoman Empire from the mid-late nineteenth century, as it introduced a series of modernising reforms designed to maintain the integrity of the empire despite internal and external challenges to its rule. Enthusiasm for these reforms varied, capturing support among Muslims in Turkey and Syrian provinces (including present day Lebanon and Palestine) as well as support among educated Christians. Further east, the constitutional movement in the Persian Qajar Empire and the Assembly that was established in its

35 Al-Azmeh, *Secularism in the Arab World*, 116.

36 Al-Azmeh, *Secularism in the Arab World*, 138.

37 Al-Azmeh, *Secularism in the Arab World*, 138.

wake experimented with a more secular-style constitution (1906) based on the Belgian, French, Bulgarian and Ottoman models, before counter-revolutionary forces forced further compromises with clerical power and led to the declaration of Islam as state religion.³⁸

With the defeat of the Ottoman Empire during the First World War, several dynamics propelled secularism forward. The most obvious was the abolition of the Sunni Caliphate and the replacement of the sharia with a civil code of law by the newly established Kemalist Republic in Turkey. The establishment of British and French mandates in the Levant, alongside the persistence of the British protectorate in Egypt, both accelerated the spread of Europeanisation and produced secular responses to it. For example, nationalist independence movements in Syria and Iraq took on a secular quality as a backlash to the French and British mandates emphasis on the religio-ethnic identities of the societies they oversaw.³⁹

Newly independent Arab states continued the progression of secularism which had begun under the Ottomans. For example, the *awqaf* ('independent institution of religious endowments') was abolished in Syria in 1949 and Egypt in 1952, with the property appropriated by the state. Egypt (1948), Syria (1949), Iraq (1953) and later Kuwait and the UAE introduced a civil code of law, though stopping short of abolishing sharia or extending civil law to the domain of personal status law. Tunisia and Morocco, like Turkey, brought all religious institutions under state control.⁴⁰

Al-Azmeh traces the uneven advance and then uneven decay of secularism after the *Naksa*, the defeat of the Arab armies by Israel in the 1967 war, which discredited secular nationalist regimes and empowered their Islamist competitors. However, the direction of erosion of the 'secular foundations' of states varied because the strength of those foundations varied. Tunisia and Syria were most staunchly secular in Al-Azmeh's view. But Nasser, secular Arab nationalism's regional champion, gave a great deal of public power to clerics at Al-Azhar University in Cairo after the 1952 revolution brought him to power. Then after the 1967 defeat threatened his domestic and regional legitimacy as the leader of (secular) Arab nationalism, Nasser discursively blended Islamic and Arabist themes. This was the strategy adopted during and after the Algerian revolution (1962), by the secular Ba'ath parties ruling Syria in the 1980s and Iraq in the 1990s, and by Tunisian dictator Ben Ali. Haugbolle adds another dimension, showing that the

38 Nader Sohrabi, "Pathways, Contingencies and the Secular in Iran's First Revolution," *Working paper series of the HCAS 'Multiple Secularities - Beyond the West, Beyond Modernities, #14* (Leipzig: Leipzig University, 2019).

39 Al-Azmeh, *Secularism in the Arab World*, 251

40 Al-Azmeh, *Secularism in the Arab World*, 388.

Naksa also galvanised radical leftists in Syria, Lebanon and among Palestinians.⁴¹ These actors carried the torch of secular ideas amidst rising Islamic revivalism.

Writing in 1996, Salem rightly remarked that Arab secularism seemed “in remission”.⁴² However, during the 2010s, discussions of secularism were re-ignited by street protests collectively known as the Arab Spring. Calls for a recalibration of influence of religious norms and clerical authority over public life were one of many knock-on effects of protests against authoritarian regimes and in favour of democracy. In this context, well-organised Islamist political movements sought to capitalise on the democratic moment and capture the state, which they did successfully for a time in Egypt and Tunisia. Liberals and leftists shared their search for democracy but also sought a new public settlement which would ensure more personal freedom, including from the scrutiny of social conservatives.

Public discussion since the Arab Spring has pivoted around the term *dawla madaniyya* (‘civil state’). Both liberals and Islamists declared themselves in favour of a *dawla madaniyya*. They agreed on the idea of a popularly accountable civil government. But they meant different things by it. Bahlul identifies five main meanings of the phrase: not a theocracy (no clerical rule); not a military state (civilian government); urban/civilised values in public life; a context where the state is concerned with worldly not spiritual matters; and a democratic state.⁴³ Ultimately, Islamists and liberals have disagreed on what should set the limits on power: human rationality or the sharia.⁴⁴ For some Arab secularist writers as well as conservative Islamists, *dawla madaniyya* means a secular state with clear separation from religion; they take opposite positions on whether that would be a good thing.⁴⁵ Secularist writers have been careful to couch their arguments in terms of state neutrality (not hostility) towards privatised religion.⁴⁶

It should be noted that the Arab world is not alone in revisiting debates over secularism. As Kandemir argues, in Turkey, the AKP party has appropriated some old secular ideas of the early republic, adjusting the form of secularism found in Turkey (*laiklik*).⁴⁷ Iranian intellectuals have been revisiting questions of the role

41 Sune Haugbolle, “The New Arab Left and 1967,” *British Journal of Middle Eastern Studies* 44, no. 4 (2017): 497–512.

42 See Salem, “The Rise and Fall of Secularism in the Arab World.”

43 Raja Bahlul, “Religion, Democracy and the ‘*Dawla Madaniyya*’ of the Arab Spring,” *Islam and Christian-Muslim Relations* 29, no. 3 (2018): 335.

44 Bahlul, “Religion, Democracy and the ‘*Dawla Madaniyya*’ of the Arab Spring,” 332.

45 See Ihab Shabana, “The ‘Secular’ in Post-1967 Islamist Thought; Revisiting Arab Intellectual History and Political Ideology Towards 20th Century fin-de-siècle,” *Religions* 14, no. 6 (2022): 686.

46 Bahlul, “*Dawla Madaniyya*,” 335.

47 Pinar Kandemir, *The JDP and the Making of Post-Kemalist Secularism in Turkey* (Chambridge: Palgrave Macmillan, 2022).

the *vilayet a faqih* (supreme political rule by the highest shi'ite religious authority) should play in Iran's governance, one of several questions about the relationship between religion and politics they have considered in light of popular discontent with the conservatives who have held elected power from the mid-2000s to 2024. Since 2021, young women have taken off their veils during street demonstrations in spectacular protest against the regime's harsh enforcement of public modesty. In Israel, some jewish leftists and Palestinians have been calling for what they call a "secular democratic state" in Israel, in which both jews and non-jews are fully equal citizens. Still, it would be a mistake to view this re-emergence of questions of secularism as revolution or reversion to the 1960s. Instead, we see a new version of the competition and cooperation between islamists and liberal/leftists that has been playing out since the 1970s over public morals, clerical authority and/or state capture.⁴⁸ What I think we are seeing are debates over the possibility of secularism without it actually happening: a situation I call (non)secularism. By (non)secularism I mean that despite the widespread, shared, popular legibility of the term 'secularism' among Lebanese themselves, the cultural embeddedness of religious authority and religiously inflected social norms coupled with the persistence of political sectarianism since the end of the civil war has made its enactment at state level elusive, for reasons described below. The Lebanese talk about a kind of Schrödinger's secularism, which simultaneously exists linguistically but not in practice, even in the personal lives of most of the people firmly calling for an end to the interference of religious authorities in their private lives. We now turn to the case of Lebanon.

(Non)secularism in Lebanon

Confusingly, how the term 'secularism' should be used remains essentially contested among scholars of the Lebanese case and Lebanese themselves in public debate. It is possible to identify at least five different but inter-related uses of the term in the academic literature. These five uses are not mutually exclusive but respective points of emphasis, mirroring conceptual debates which began with the *al Nahda* in the nineteenth century.

First, some scholars use the term 'secularism' as a homology for muslim-christian coexistence/pluralism (*ta'addud*) between Lebanon's different sects-qua-

48 Eva Wegner and Francesco Cavatorta, "Revisiting the Islamist-Secular Divide: Parties and Voters in the Arab World," *International Political Science Review* 40, no. 4 (2019): 558–575.

group.⁴⁹ Others use it normatively to mean the equality of individual citizens within the Lebanese state, regardless of sect.⁵⁰ Some scholars use the term secularism as a description of Lebanon's consociational democratic power-sharing.⁵¹ Still others use secularism as a normative term to endorse abolishing sectarianism within Lebanese politics and establishing a liberal democracy.⁵² Others use the term, again normatively, to refer to calls for a reduction in clerical authority over people's private lives, particularly through the establishment of civil personal status law (marriage, divorce, inheritance, custody of children), as the state currently devolves these decisions to clerical authorities within sectarian groups. The latter two are seen as distinct forms of secularisation: secularisation of politics (*al-'almaniya l-siyassiya/ilgha' at-ta'ifiya*) and secularisation of personal status laws (*'almanat qawanin al-ahwal al-shakhsiya*).⁵³ Finally, others associate the term secular with what Haugbolle calls an "affective politics of the Left" in Lebanon which is comprised of "lifestyle choices, spatial behaviour, marriage partners, clothing, language and other social habits that seek to avoid the set patterns of sectarian exclusiveness".⁵⁴

There have been periodic, lively debates in Lebanon over secularism, with the term secularism taking on different meanings. For example, in 1945, after the formation of the National Pact (1943) power-sharing arrangement between sunni and christian leaders. Sunni clergy argued that the head of the Maronite Church was interfering too much in politics. At the start of the civil war in 1975/1976, the Progressive Socialist Party-led National Movement argued for the de-confessionalisation of politics, the secular equality of citizens, and the establishment of a "culture built on reason and science", guaranteed by a laic state with a comprehensive system of

49 Raja Abillama, "The Love that Muslims have for Mary": Secularism and Christian-Muslim Coexistence in Lebanon," *Comparative Studies of South Asia, Africa and the Middle East* 42, no. 1 (2022): 51–62; David D. Grafton, "The 'Religious Secularism' of Lebanon and the United States: A Discussion Between Lebanon's Secular Debate and Madison's 'Principles of Pluralism,'" *The American Journal of Islamic Social Sciences* 19, no. 3 (2002): 31–56.

50 Ussama Makdasi, *Age of Coexistence: The Ecumenical Frame and the Making of the Modern Arab World* (Berkeley: University of California Press, 2019).

51 Yusri Hazran, "Re-confessionalizing the Shi'ites and the Druzes: The Failure of Secularism in Lebanon," *British Journal of Middle Eastern Studies* 40, no. 2 (2013): 162–182.

52 Maya Mikdashi, *Sextarianism: Sovereignty, Secularism and the State in Lebanon* (Stanford: Stanford University Press, 2022)

53 Mark Farha, "Stumbling Blocks to the Secularization of Personal Status Laws in the Lebanese Republic (1926–2013)," *Arab Law Quarterly* 29 (2015): 47.

54 Sune Haugbolle, "Social Boundaries and Secularism in the Lebanese Left," *Mediterranean Politics* 18, no. 3 (2013): 432.

civil laws, mirroring the French system.⁵⁵ To take another example, since the end of the civil war, some progressive leftists have called for the introduction of a civil marriage law but have largely steered clear of calling for formal constraints on clerical influence. This is because, as Haugbolle put it, “a realisation[. . .] set in among many secularists that any talk of secularism must reckon with the power of the religious institutions in Lebanon and the depth of sectarian affiliation in Lebanese society”.⁵⁶

As Harik pointed out, the intertwining of the term secularism with the peculiarities of Lebanon’s multiculturalism and sectarian political power-sharing means that while Lebanese speak to each other about ‘secularism’, different sectarian groups evolved slightly different meanings of the term over time: as social liberalism, as an addendum to Arab nationalism, as progressive politics, as egalitarianism between groups, and as a separation between clerical power and politics.⁵⁷ In short, besides these sect-centric inflections in meaning, in any given debate, most Lebanese speakers agree that secularism means equality between people from different religious groups (secularism as peaceful coexistence/pluralism between muslims and the large christian population, one sect of which controls the Presidency). But some think it also means an end to Lebanon’s confessional power-sharing arrangements (secularism as anti-sectarianism). An even smaller group of people wish for both the replacement of power-sharing with liberal democracy and also support a state where clerical power is actively constrained by law (secularism as laicism). This third meaning now does not command widespread support in Lebanese society.

There are variations among these positions. So, for example, there are clerics, muslim and christian, who would agree to secularism-as-pluralism and secularism-as-anti-sectarianism, but not secularism-as-laicism. Within civil society, there are groups such as *Offre Joie/Farah al Ataa*, who would agree to secularism as “organic coexistence” between christians and muslims.⁵⁸ Then there are groups such as *bi-la hudud* (Without Borders) and *nahwa al-muwatiniya* (Towards Citizenship) who stress the need to dismantle sectarian power-sharing, and then there are

55 The National Movement was a cross-confessional group led by the Former Minister of Economy and Trade and Druze communal leader, Kamal Jumblatt.

56 Haugbolle, “Social Boundaries,” 441.

57 Iliya F. Harik, “Toward a new perspective on secularism in multicultural societies,” in *Lebanon in Limbo: Post-War Society and State in an Uncertain Regional Environment*, edited by Theodor Hanf and Nawaf Salam (Baden-Baden: Nomos, 2003), 23.

58 Caroline Nagel, “The ‘problem’ of religion in the secular state: sectarianism and state formation in Lebanon,” in *Handbook on the Changing Geographies of the State: New Spaces of Geopolitics*, edited by Sami Mosio, et al. (Cheltenham and Camberley: Edward Elgar, 2020), 141.

those activists associating with *Laique Pride*, who see secularism as both anti-sectarian and laic.⁵⁹ In Lebanon, the lived reality of religious pluralism and the contestability of all aspects of politics under power-sharing undermines the ability of any actor to enforce their conception of secularism or religion collectively in the state.⁶⁰

Against this backdrop, there are significant numbers of Lebanese of muslim and christian heritage who self-describe as secular, *ilmani* in Arabic or *laïque* in French. According to a 2018 Arab Barometer survey, 14.4 percent of Lebanese identify themselves as not religious, the third highest among Arab states surveyed, and a rise from 11.4 percent in 2011. By 2021/2022, the figure was up to 19 percent, nearly one in five people.⁶¹ There is also one instance of organised non-religion in Lebanon, *Freethought Lebanon*, which was created in 2007 and formally launched in 2012.⁶² In 2021, it became an associate of *Humanists International*.⁶³ Deeb has also described a religio-class social hierarchy, with visible secularity the most socially prestigious, followed by visible christian piety, followed by visible muslim piety. She writes:

By secularism, my interlocutors meant a range of beliefs and practices, from atheism to invisible faith. But almost universally, they understood having a Christmas tree, no matter what one's sect, and raising their children with family meals on religious holidays, as marks of their secularism. Wearing a visible cross or hijab is not a mark of secularism. Christian interlocutors who go to church on Palm Sunday and Easter [. . .] generally view themselves as secular in ways they do not view Muslim Lebanese who fast on Ramadan or go to the mosque on Eid [. . .] the degree of permissible religious practice differs[. . .] they linked being secular to calculations of status: secular people are more cosmopolitan, open-minded, educated and modern than other Lebanese [. . .] socially one can be recognised as Sunni or Maronite or Druze or secular, the latter indicating a pious disavowal of such categorization in the first place.⁶⁴

Deeb points out that there is a generational difference to this, with older people more likely to combine the term secular with their socially recognised sect, such

59 Haugbolle, "Social Boundaries," 429.

60 See Raja Abillama, "Contesting Secularism: Civil Marriage and Those Who Do Not Belong to a Religious Community in Lebanon," *PoLAR: Political and Legal Anthropology Review* 41, no. S1 (2015): 149.

61 See Robbins, "MENA Youth Lead Return to Religion."

62 <https://humanists.international/grantee/empowering-the-online-presence-of-the-lebanese-humanist-movement/>, accessed 22 August 2023.

63 <https://humanists.international/grantee/fostering-the-organizational-growth-of-freethought-lebanon/>, accessed 22 August 2023.

64 Lara Deeb, "Beyond Sectarianism: Intermarriage and Social Difference in Lebanon," *International Journal of Middle East Studies* 52 (2020): 226.

as secular sunni, and young people more likely to just say secular.⁶⁵ Indeed the younger generation make up the majority of activists taking part in *Laique Pride* marches between 2010 and 2013 and calling for a nineteenth sect, a secular sect, to be recognised by the state as a temporary measure to secure their rights, including gender equity in personal status matters.⁶⁶

The 1926 Constitution of the Lebanese Republic renders it the only Arab state without islam as the state religion or basis of law, while also recognising individual freedom of belief.⁶⁷ However, this apparent constitutional secularism is deceiving. French mandatory authorities first attempted to introduce a single code of civil law in the 1920s, but this was rejected by muslims and christians alike. The next French attempt, Decree No. 60 L.R. (1936), The Order of Religious Communities, had the knock-on effect of multiplying the number of muslim, christian and jewish “sects” recognised by law and making them “a rights-possessing ‘moral person’” in line with Article 7 of the League of Nations Covenant. In the area of family law, individual rights are conferred via these communities, though with a new secular, civil right for an individual to convert for marriage.⁶⁸ The 1989 Ta’if Accords which ended the civil war and reformed the political system both call for the “abolition of political sectarianism [. . .] as [a] fundamental national objective” and to “abolish the mention of sect and denomination on the identity card,” but without further detail, and the reform (secularisation) of personal status law is mentioned but left loose and at the behest of “heads of sects”.⁶⁹

Because personal status issues (marriage, divorce, inheritance, custody of children) fall under a special legal purview of religious law overseen by religious authorities, they are an area where inequality and Lebanon’s non(secularism) are especially visible. Marriages between muslim men and christian women are frowned upon (and banned under the shia ja’fari school of law). Marriages between christian men and muslim women are banned. Inter-marriage is allowed in the Catholic Church only where the spouses promise to baptise the children into the church. In the event of a divorce, christian women can receive alimony, but muslim women cannot. christian women (or muslim women who convert) mar-

65 Deeb, “Beyond Sectarianism,” 227.

66 Mikdashi, *Sextarianism*, 117–152.

67 Farha, “Stumbling Blocks to the Secularization of Personal Status Laws in the Lebanese Republic (1926–2013),” 32.

68 Abillama, “Contesting Secularism,” 150–151.

69 Taif Accords, accessed August 22, 2023, https://peacemaker.un.org/sites/peacemaker.un.org/files/LB_891022_Taif%20Accords.pdf.

ried to a muslim man are denied custody of their children after divorce by sunni and shia authorities.⁷⁰

Marriage, Divorce and Lebanese Non(Secularism)

Calls for greater secularism in the Middle East stress the rights of women, particularly regarding personal status issues. Most states lack a comprehensive civil code for these, Tunisia and Turkey excepted.⁷¹ Instead, governments delegate legal decisions regarding people's intimate lives to sharia courts for muslims and the respective religious courts for non-muslim minorities. The track record of such courts, catalogued by scholars and liberal feminist activists, systematically disadvantages women compared to men. Such systems also render invisible LGBTQ life experiences and the basic human right to family life.⁷² However, a civil code is not a cast-iron guarantee for a progressive vision of women's rights. For example, Seçil Dağtaş catalogues the mission creep of conservative, "family values" court rulings under the islamically-inflected AKP government in Turkey.⁷³

A lightning rod for discussions of secularism in Lebanon have been calls for an optional civil marriage law. This is an old discussion: a campaign for civil marriage began in 1951, less than ten years after state independence.⁷⁴ Some supporters argue it would help ease the social burden of mixed marriages across sects (secularism-as-coexistence). Mixed marriages occur but unevenly across social class and geography, with it more common among upper and middle class Beirutis and in the few mixed villages that existed after the civil war, with various social disincentives, including family resistance.⁷⁵ Its secularist (*al-amaniiyyin*), secularism-as-laicism supporters argue that civil marriage would remove it from the purview of religious authorities for those wanting it while maintaining the religious option for others. However, as Mark Farha has noted, religious authori-

70 Farha, "Stumbling Blocks to the Secularization of Personal Status Laws in the Lebanese Republic (1926–2013)," 33–35.

71 There are exceptions in Tunisian civil personal status law regarding inheritance, which is based on sharia, with exceptions. US Department of State, "Tunisia 2022 International Religious Freedom Report," accessed 22 August 2023, <https://www.state.gov/wp-content/uploads/2023/05/441219-TUNISIA-2022-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT-1.pdf>.

72 See Mikdashi, *Sextarianism*.

73 Seçil Dağtaş, "Diary or Notebook: Secular Morality and the Gendered Ambiguity of Legal Personhood in an Istanbul Family Courthouse," *Anthropological Quarterly* 92, no. 4 (2019): 1,201–1,227.

74 Mikdashi, *Sextarianism*, 128–130.

75 See Deeb, "Beyond Sectarianism."

ties, particularly but not exclusively sunnis, had blocked all attempts to introduce a civil marriage law, in 1952, 1962, 1971, 1998, 2013 and, more broadly, “a fundamental reconfiguration of personal status laws has eluded Lebanon precisely because the parochial incentives on all sides could not be brought in line”.⁷⁶

In Lebanon, the lack of a civil code for personal status issues combined with the existence of 15 personal status codes for 17 sects has produced local peculiarities of religion and state. In the absence of a secular sect or civil marriage in Lebanon, spurious religious conversion for the purposes of marriage and divorce is not uncommon among the social elites and the moneyed middle class. Mixed marriages are not uncommon in Lebanon among this social group but nor are they openly endorsed. Sometimes one partner, usually the wife, converts to the husband’s religion in deference to family pressure and islamic social mores.⁷⁷ Conversion has nothing to do with belief/piety and does not impact how they are seen socially, as people distinguish between sect (*ta’ifa*) and legal status (*madhhab*).⁷⁸ For example, “a citizen who converts to obtain a divorce may be an atheist recognised by the government as following the Greek Orthodox personal status [law] but socially recognised as a Maronite”.⁷⁹

Maya Mikdashi offers an ethnographic vignette about Zahra, from a wealthy, prominent sunni family from Beirut, who religiously converted multiple times in a very short space of time to obtain a divorce from her abusive husband. From the ethnographic vignette, we understand she is socially liberal (living what Lebanese would call a secular lifestyle) and not a pious believer in a religious sense, but we do not get further details. In the 1970s she married a shi’i muslim under (shia) ja’fari law, a mixed marriage, and had two children. Zahra’s husband gambled and beat her. They divorced and remarried twice. She wanted to divorce a third time. He refused because under ja’fari law, they would not be able to remarry a third time. His refusal meant the divorce was blocked.

Zahra had an idea – she would convert to christianity to obtain a divorce under greek orthodox personal status law, bypassing the blockage in the shi’a ja’fari personal status courts. She hired a sunni lawyer in West Beirut, who hired an additional set of christian lawyers from East Beirut. The lawyers and Zahra met near the Green Line dividing muslim West Beirut from christian East Beirut, not at all easy during the civil war, when militias adopted an explicit policy between 1976 and 1978 of homogenising the populations under their territorial control ac-

76 Farha, “Stumbling Blocks to the Secularization of Personal Status Laws in the Lebanese Republic (1926–2013),” 53.

77 See Deeb, “Beyond Sectarianism.”

78 Deeb, “Beyond Sectarianism,” 218.

79 Mikdashi, *Sextarianism*, 101.

ording to sect and driving out those who did not ‘fit’. The lawyers discussed the necessary paperwork for the divorce, in preparation for her religious conversion and a divorce hearing in the greek orthodox personal status courts. This is even more incredible as it happened within the last two years of the Lebanese civil war between the different sectarian groups, adding a level of danger to the various muslim-christian interactions, let alone religious conversion in a context where sectarian identity and demographics was heavily securitised. Zahra, for her part, was clear this was a temporary matter only and that even though she was willing to embrace expedient conversion, she also had her ethical limits. She refused to be baptised, accept Jesus Christ, or answer any questions about her religious beliefs. Defeated, the greek orthodox priest gave her a signed conversion certificate anyway. Zahra registered her conversion with the census office and her lawyer took this new documentation to the ja’fari personal status court, arguing that Zahra was now an apostate and could no longer be married. The judge granted a divorce, though ultimately not on religious grounds but on the grounds of her husband’s gambling. Mikdashi recounts:

Her next task was to reconvert to Islam because she knew there would be legal complications if she remained a christian and her children and parents were Muslim. She went to *Dar al-Fawa* [the sunni religious courts in Beirut], bought a headscarf (a white one, she remembered) from a store underneath the mosque and went to meet the sheikh[. . .]. [T]he sheikh was not amused and stipulated that she take religious classes at *Dar al-Fatwa* before he ‘accepted her’ back into Islam. This request infuriated an already exhausted Zahra, who angrily told the sheikh that she probably knew more about Islam than he did and that she came from one of the oldest Muslim families in Lebanon [. . .]. Zahra returned to the store [. . .] bought and wore a blue headscarf. She went back into the main building and ducked into the first sheikh’s office that she saw. She spoke in more detail to this younger man about her abusive marriage [. . .]. She was still, and always was, a Muslim, Zahra said emphatically. The sheikh understood her predicament, asked her to profess her faith in Islam and welcomed her back. “The whole thing,” she said, “took five minutes.”

When Mikdashi pointed out that managing to convert without speaking to a priest about faith was rare, Zahra wryly countered that in Lebanon paying money can accomplish many miracles.⁸⁰ Spurious conversion for marriage or divorce is a marker of social prestige in Lebanon, but it is also a function of generation. Indeed, famously, Walid Jumblatt, a long-time political leader of the druze sect, converted to sunni islam to marry his wife. For a couple of lesser social prestige, it would not be possible to contract this form of socially mixed marriage as it is both impossible to convert to the druze religion and also politically fraught, as ‘every druze counts’ for the purposes of Lebanon’s power-sharing calculations.

⁸⁰ Mikdashi, *Sextarianism*, 107.

Mikdashi's activist interlocutors who are what she calls "evangelical secularists" call such spurious conversion an insult to religion, which should be "something that you really believe in".⁸¹

Beyond spurious conversion, there are two options for those seeking to avoid a religious marriage entirely, including non-believers. One is to marry abroad and return to Lebanon to register the marriage, which is accepted under Lebanese law. For example, Abillama recounts a vignette about Sandra, a sister of her friend Mirna, who married her father's Polish business partner in Cyprus. When she asked Mirna why her sister married in Cyprus and not Lebanon, her friend pointed out that Sandra was muslim and her fiancé christian. When Abillama asked why one did not just simply convert, Mirna "laughed," as though it were obvious. "Converted? She doesn't believe [in god]".⁸²

The second option is a sect-free marriage. As of 2020, 30 couples had followed the example of Kholoud Sukkarieh and Nidal Darwish, both raised muslim from different sects, who married in November 2012. Having arranged to have their sectarian identities deleted from their official identify cards, following a February 2009 ruling by the then-Minister of Interior, they declared themselves married under the French Mandate civil code (Arrêté No. 60 of 1936), signing a contract at the Mount Lebanon notary (*katib al- 'adl*) before two witnesses. While the state initially recognised these civil marriages, it has since rescinded recognition, and the phenomenon has been highly controversial in society. What legal status children of the marriages will have is still uncertain, and Sukkarieh and Darwish's child, the first born in Lebanon without a sect, received threats of violence, which led them to move to Sweden.⁸³

These three secular marriage practices – spurious religious conversion, civil law weddings abroad, and sect-less marriage – represent three responses by secular individuals to the conundrums of Lebanon's complex (non)secularism. The ethnographic record suggests that these three are the favoured choice of those with some sort of secular self-identity in Lebanese terms – for example, Sukkarieh and Darwish self-identify as anti-sectarian social activists.⁸⁴ However, in removing their sect from their identity card, they "had not renounced their personal faith".⁸⁵ While spurious religious conversion may seem the domain of atheists and agnostics – who may not

⁸¹ Mikdashi, *Sextarianism*, 144.

⁸² Abillama, "Contesting Secularism," 153.

⁸³ Abillama, "Contesting Secularism," 148, 154–159. Deeb, "Beyond Sectarianism," 218–219.

⁸⁴ Abillama, "Contesting Secularism," 154–155.

⁸⁵ Farha, "Stumbling Blocks to the Secularization of Personal Status Laws in the Lebanese Republic (1926–2013)," 52.

care about professing a false faith – Sandra’s marriage in Cyprus is equally the product of a firm faith commitment: to avoid religious hypocrisy.

This leaves questions unanswered, things we might think we know but do not. What do those choosing one of the three marriage options think in depth about god? Prior to marrying, in what pious practices did they participate or not? That is, where does their religious or non-religious marriage fit into a lifetime of meaning-making practices? What conditions (of faith/conscience, of social circles, of family) produce a preference for one of these marriage options over another? How did these choices impact the social milieu around them? How are these marriage practices collectively re-shaping the state’s non(secularism) over time? The next section sets out a framework which could be of use for finding answers.

Applying Bourdieu’s Field Theory to the Study of Religious Ambivalence in the Middle East

I have written elsewhere about how Bourdieu’s social theory can be used in combination with Schutz’s conception of the lifeworld, to try to understand interactions between religiously ambivalent or secular individuals and the larger political context in which individuals live and act.⁸⁶ I developed the frame for the study of jewish-inflected secularity in Israel, but it works equally well for the study of muslim-inflected secularity in the MENA.

For Bourdieu, a field of social practice is a collection of different types of actors and institutions bound together through inter-related social activity – for example, education or the arts. What ‘counts’ as a social field of practice is an empirical question, with the first step in the research method figuring out what practices and actors should be included in the analysis.⁸⁷ Actors and institutions in a social field compete (and cooperate) over what they consider to be valuable (capital). For example, in the religious field in which islam is the dominant religion, actors compete and cooperate over what it is to live an ethical human life which reflects a good society ordered on principles which manifest collective submission to god. The ‘capital’ actors compete and cooperate over is who knows best how to achieve this collectively and individually. “Habitus” for Bourdieu is a shared sensibility or way of acting among people in a social group: for example, Lebanese self-identifying as

⁸⁶ Gutkowski, *Being Reasonable?*, 42–44.

⁸⁷ Michael Grenfell, “Working with *Habitus* and *Field*: the Logic of Bourdieu’s Practice,” in *Cultural Analysis and Bourdieu’s Legacy: Settling Accounts and Developing Alternatives*, edited by Elizabeth Silva and Alan Warde (Abingdon: Routledge, 2010).

secular. It develops through their actions within a social field. It does not determine their behaviour, but it means they are more likely to behave or think a certain way.

Scholars have noted that while Bourdieu has a lot to say about social structures and group behaviour, he did not have much to say about individual people. Lahire and Atkinson in different ways arrive at the conclusion that individuals are a product of the family they grew up in and the different forms of habitus they have acquired through participating in different social fields (school, work, etc.). Atkinson argues for a concept found in Bourdieu called a person's "social surface", which is the conglomerate of different forms of habitus.⁸⁸ I prefer Schutz's conception of the lifeworld as an addendum to Bourdieu's theory, to capture how people experience their life's trajectory 'from the inside' as they participate in different social fields and develop different types of habitus, as it is a more commonly-understood term and fits theoretically with Bourdieu's framework.

Individuals participate in different social fields – school, the family, the economy, etc. Fligstein and McAdam argue that Bourdieu did not actually resolve the question of how these different social fields of activity relate to each other.⁸⁹ So, they proposed a set of different relationships between fields. Their addition is helpful for thinking about relations between religiously ambivalent individuals and the state as there are four key realms of social activity (fields) in play in these relations at any given time: religion, the economy, the family, and the state. Because most Arab MENA states are less than 100 years old and were formed out of an empire where clerical and state power were fused for hundreds of years, the religion field remains highly interdependent with the (administrative, bureaucratic) state field, as well as the economy and the family, with a high degree of interaction between these different arenas of social activity. Adding Fligstein and McAdam's insights into types of field relationships allows us to say that the four fields (religion, economy, family, state) are "proximate" to each other (i.e. activities in one social arena routinely impact the others). The four fields are also "interdependent" (rather than independent or hierarchically dependent on one another).⁹⁰ For example, when people marry in the MENA, this activity impacts all four fields: clerics perform the marriage (religion field), families join the ceremony and gain new members (family field), some families pay a dowry (economic and family fields), and state bureaucrats accept the registration of the religious

⁸⁸ Will Atkinson, "Fields and Individuals: From Bourdieu to Lahire and Back Again," *European Journal of Social Theory* 24, no. 2 (2021): 195–210.

⁸⁹ Neil Fligstein and Douglas McAdam, *A Theory of Fields* (New York: Oxford University Press, 2012), 26.

⁹⁰ Fligstein and McAdam, *A Theory of Fields*, 18–19.

marriage and render it official (state field). In registering the marriage as legible in state law, confirming certain contractual rights on the two parties, the state exercises its “peculiar form of authority consisting of the power to rule via legislation, regulations and administrative measures”.⁹¹

To be worthwhile, any theoretical framework must add value to how we understand human behaviour. In this case, field theory helps illuminate relationships between agents and between agents and structures. To go back to the example of marriage, it helps us to answer how social structures and individual experience produce a preference for one of the three secular marriage options in Lebanon; how these choices impact the social milieu beyond the immediate family; and how these marriage practices collectively re-shape Lebanon’s (non)secularism, for example as those choosing these marriages interact with religious leaders and their community, or as the visibility of the marriage types becomes a matter of national political debate.

When observed through the secularist lens of Western social science, the study of non-religious individuals seems niche. But field theory helps connect this to the main political and economic events in a country’s history – insightful when studying the highly religious Middle East or similar regions. For example, in the case of Lebanon, the combination of one of the worst economic crises since the 1800s, coupled with the devastation of the Beirut port blast in August 2020, one of the most powerful artificial non-nuclear explosions in history, cut short mass street protests (*thawra*) which erupted in October 2019. These protests had featured secularising forces: cross-sectarian mobilisation around calls for liberal democracy, an end to sectarianism (*ta’ifiyya*) in politics, and the overthrow of the civil war-era political class. Field theory can help to answer questions such as, for example, how did the counter-revolution against the *thawra* led by Islamist Hezbollah impact the personal calculus of self-identified seculars to join in secular political activism versus other personal, family, or economic factors? To take another example of field theory’s utility, it can help unpack how has the ‘sectarianisation’ of civil war by political leaders in Iraq, Yemen and Syria influenced personal religious ambivalence in those societies.⁹² Has there been a discernible change in faith and piety in these countries during/since their civil wars? Anecdotal evidence suggests perhaps yes. How has this impacted the main vectors of politics in these countries, particularly support for actors expressing their politics

91 Pierre Bourdieu and Loïc Wacquant, *An Invitation to Reflexive Sociology* (Cambridge: Polity, 1992), 11–12; Willem Schinkel, “The sociologist and the state: An assessment of Pierre Bourdieu’s sociology,” *The British Journal of Sociology* 66, no. 2 (2015): 217.

92 Nader Hashemi and Danny Postel, *Sectarianization: Mapping the New Politics of the Middle East* (Oxford: Oxford University Press, 2017).

in an islamist idiom? To take another example, how have non-believers shaped the positions of liberal and leftist movements in Tunisia, Egypt, Iran, Iraq and Turkey during periods of street protest?

Conclusion

Though journalists have been collecting stories from self-described atheists living in Middle Eastern states, there has been no rigorously scientific, systematic research to compare relations between states and their religiously ambivalent citizens cross-regionally. There has been no such comparison of those born into islam from different countries as well as no comparison of religiously ambivalent individuals from non-muslim minority communities.

This new framework based on Bourdieu's field theory could help fill the gap. It could enable us to address systematically a new set of questions related to states and individuals in the Middle East (and elsewhere), such as:

- What is the role of the state versus other actors in shaping ambivalently pious and impious habitus?
- What kinds of secular practices, beliefs, emotions, thoughts are made possible under different religious field configurations in the Middle East? How do these change over time as the religious field evolves?
- How is activism for political secularism and/or for rights of unbelievers and the ambivalently pious shaping religious fields and the forms of capital, competition, and cooperation between actors therein?
- How does political, moral, and aesthetic competition and cooperation between progressive secular actors and islamists differ between the religious fields and other social fields (such as the economic field) over time?
- What is the differential role of islam under different religious field configurations in the Middle East? How are secular lifeworlds of non-muslim minorities formed in these different field configurations?
- How is the lived reality of unbelief or other forms of religious ambivalence quietly re-shaping the four, interdependent social fields of religion, state, economy and family and the forms of competition and cooperation at stake therein?

These questions are not exhaustive. They are a starting point for further theory-building and comparative work, within the MENA and beyond.

Sofia Nikitaki

Non-Religious Perceptions of Religion and Church-State Relations in Europe: A Cross-Cultural Qualitative Study in Flanders, Greece and Norway

Introduction

Despite the significant presence of individuals identifying as non-religious in contemporary society,¹ and the increasing popularity of the study of non-religion within academia,² the population without religious affiliation remains largely invisible within theology and religious studies in a European context. The lack of attention on how non-religion manifests and functions within Europe is very often noticed by the ‘cliché’ trope of the ‘secular’ Europe as opposed to the ‘religious’ United States;³ a theme often repeated within academic literature in theology and religious studies alike. While the comparison between Europe and other religious landscapes can provide much valuable information about (non-)religion and secularity, it can also lead to the nuances that exist between the different cultural, social and political contexts that constitute Europe being overlooked.

The current chapter discusses the dynamics between religion, non-religion and secularity in different European contexts by presenting part of the results from a qualitative, cross-cultural doctoral research study conducted between 2018 and 2022.⁴ The research contained 64 in-depth interviews with non-religious mil-

1 See Christopher Cotter, *The Critical Study of Nonreligion: Discourse, Identification and Locality*, (London: Bloomsbury, 2020), 25–27; Joel Thiessen and Sarah Wilkins-Laflamme, *None of the Above: Nonreligious Identity in the US and Canada* (New York: New York University Press, 2020), 3–17; Phil Zuckerman, Luke Galen, and Frank Pasquale, *The Nonreligious: Understanding Secular People and Societies* (New York: Oxford University Press, 2016), 4–6.

2 See Stephen Bullivant, “Explaining the Rise of ‘Nonreligion Studies’: Subfield Formation and Institutionalization Within the Sociology of Religion,” *Social Compass* 67, no. 1 (2020): 92–94; Jesse Smith and Ryan Cragun, “Mapping Religion’s Other: A Review of the Study of Nonreligion and Secularity,” *Journal for the Scientific Study of Religion* 58, no. 2 (2019): 319–335; Stephen Bullivant and Lois Lee, “Interdisciplinary Studies of Non-religion and Secularity: The State of the Union,” *Journal of Contemporary Religion* 27, no. 1 (2012): 19–27.

3 Peter Berger, Grace Davie and Effie Fokas, *Religious America, Secular Europe? A Theme and Variations* (Aldershot: Ashgate, 2009), 9.

4 See Sofia Nikitaki, “Living a nonreligious life: a qualitative empirical exploration of nonreligion in Belgium, Greece, and Norway” (PhD dissertation, KULeuven, 2023).

lennials⁵ defining themselves as ‘non-religious’ or ‘not religious’ and having undertaken their primary and secondary education in Belgium (Flanders),⁶ Greece and Norway.⁷ The primary objective of the study was to acquire a comprehensive understanding of how (young) European non-religious adults perceive and negotiate (non-)religion, (non-)religious views, and their personal experiences related to (non-)religion within the cultural, social, and political contexts of their respective countries. To achieve an in-depth understanding of the topic, a Constructivist Grounded Theory approach with semi-structured individual interviews was followed.⁸ The interviews were conducted and analysed in two separate waves of research (one taking place in 2019 and one in 2020) using thematic analysis in the NVivo Qualitative Data Analysis Software.

5 The specific birth years that constitute the Millennial generation are subject to variation. For this research, the age cohort of individuals born between 1981 and 1998 was used. See Sarah Wilkins-Laflamme, *Religion, Spirituality and Secularity among Millennials: The Generation Shaping American and Canadian Trends* (Oxford: Routledge, 2022), 2–5; Michael Dimock (Pew Research), “Defining Generations: Where Millennials End and Generation Z Begins,” 17 January 2019, accessed 13 December 2023, <https://www.pewresearch.org/fact-tank/2019/01/17/where-millennials-end-and-generation-z-begins/>; Timothy Carter, “Millennial Expectations and Constructivist Methodologies: Their Corresponding Characteristics and Alignment,” *Action in Teacher Education* 30, no. 3 (2008): 3; Neil Howe and William Strauss, *Millennials Rising: The Next Great Generation* (New York: Vintage, 2000), 3–4.

6 It should be noted that the decision to not include the French-speaking part of Belgium in this study was because Wallonia and Flanders have some important linguistic and cultural differences that would significantly complicate the cross-cultural analysis of the results. See Marc Blainey, “Groundwork for the Anthropology of Belgium: An Overlooked Microcosm of Europe,” *Ethnos* 81, no. 3 (2016): 478–507.

7 The selection of countries for this study was based on various considerations. Being a Greek national and long-term resident of Flanders, selecting these two contexts allowed for their nuanced understanding as well as the use of a variety of social connections for facilitating research sampling. In turn, Norway was chosen as a third context also due to personal connections that could facilitate sampling, but also due to its prominence in secularisation and non-religion studies, ensuring a wealth of academic sources to enhance the research analysis. Furthermore, both Norway and Belgium are consistently ranked by the EF English Proficiency Index as countries with a very high English proficiency; something that was crucial for being able to interact with research participants in a language other than their native tongue. See <https://www.ef.com/wwen/epi/>.

8 As an inductive approach that aims to understand the topic at hand in depth, CGT advocates getting close to the phenomenon studied and maintaining continuous engagement with the research participants, data and analysis throughout the period in which the research is conducted. See Kathy Charmaz and Anthony Bryant, “Constructing Grounded Theory Analyses,” in *Qualitative Research*, edited by David Silverman (London: Sage, 2016), 347–362; Kathy Charmaz, “Grounded Theory,” in *Qualitative Psychology*, edited by Jonathan Smith, (London: Sage, 2015), 53–84; Kathy Charmaz, *Constructing Grounded Theory*, 2nd ed. (London: Sage, 2014).

During the interviews, the participants were asked about a wide variety of topics related to (non-)religion including – but not limited to – issues of self-definition, their past and present relationships with (non-)religion, and their attitudes towards (non-)religion, spirituality, and the concepts of ‘god’ and ‘higher power’. Additionally, this research paid special attention to the sociocultural and political factors that may influence the formation of non-religious views in the contexts explored, examining the ways in which such contextual aspects may shape non-religion. This particular chapter focuses on this cross-cultural aspect of the research by presenting the participants’ opinions regarding the church and state relationships within the contexts of Belgium, Greece and Norway.

Religion: The Personal and the Institutional

Before delving into the interviewees’ opinions of religious institutions in their contexts, however, it is vital to clarify how the term ‘religion’ was understood by the participants. It is important to note that what was meant by ‘religion’ was purposefully left unspecified throughout the interviews in order to allow the participants to define and make clarifications about the term without having a specific understanding in mind beforehand. Leaving what is meant by the term open to interpretation led to various nuances regarding religion during the course of the conversations.

Throughout both waves of research, the majority of participants from all contexts alike made a clear distinction between religion as a personal belief or belonging (1), and organised or institutional religion (2). For instance, the Greek participant, Maria, distinguished between religion “in the organised religion/organised religions sense” and “religion as the need for a religious feeling”,⁹ whereas Mark – a Belgian interviewee – said that he understood “the people who need the stories” and the “make-believe” aspect of religion but simultaneously stated that “we would be better without the priests” and that the existence of religious institutions is “about money and power”.¹⁰ Similarly, the Norwegian participant, Selja, distinguished between the

9 “Religion in the organised religion/organised religions sense – I think that yes, it results to harm. By that I mean that it’s another excuse to divide people, it’s another excuse for various people to step in to exploit their fellow human beings, it’s another excuse for the situation that exists on the planet – with the wars, with the exploitation, with the 1 per cent [of the population] ‘screwing’ everyone else over. [. . .] But if we understand religion as the need for a religious feeling, I can understand that for a very big number of people it is necessary and needed” (Maria, Greece, 10.07.2019).

10 “I mean, if I put it in simple language then yes, it’s [religion] bad. We would be better off without it. Or no, we would be better without the priests. [. . .] But, I mean, the people who need

kind of religion that “supports you and helps you” and the “scary part of religion”, which she connected to the control by religious leaders over their faithful and the fear of judgement in the afterlife.¹¹

Religion as a Personal Belief and/or Belonging

When understood in the sense of a personal belief in god or as belonging to a religious community, religion was often described as a meaning system that provides comfort, purpose and safety, as well as a sense of belonging, social support and group identity. In addition, a number of participants mentioned the potential of religion to act as a positive force by providing moral guidance, even though many of them simultaneously made clear that they do not personally view following religious ethics as a necessity for being a good or moral person.¹² Moreover, a few participants talked about the contribution of religion to culture, tradition and science throughout history, while another few were positive about the sense of comfort secured by believing that an external force is regulating one’s life.

the stories – if they want the ‘make-believe,’ let them have the ‘make-believe’! But let’s not give them the means to propagate it and convince more people and everything. Because, in the end, it’s about money and power. Otherwise, you don’t need a church. Because if – in all honesty – if religion was a thing that followed like the ‘communist-Jesus’ social action, then nice! Let them come! But it’s not. It’s all about institutions, power, careers” (Mark, Belgium, 26.10.2019).

11 “I don’t think religion is the problem. I don’t think the personal choice of believing or not believing is the problem. [. . .] So, religion, and the idea of it, isn’t harmful. The execution, and the control you have as leader, a religious leader for instance, over your faithful is a problem. And even the church when they moralize over whether you should have sex, or whether you should marry someone, or whether you should divorce someone or what you should spend your money on, and how you should live your life. And the reasoning that because something after you’re dead will judge you, is nonsense to me. [. . .] I think religion, when it supports you and helps you, it can be a good thing for the person that’s religious. And it’s harmful and when you have to choose something that’s not your way of life, or the way you feel like you could live your life and be a happy person and a good person. But when you choose the scary part of religion, that’s a problem” (Selja, Norway, 28.07.2020).

12 Similar remarks have also been pointed out by Sumerau and Cragun in their study of non-religious moral identities, where they note that their participants “often suggested religion, while not necessary for their morality, might be useful for others”. See Jason Sumerau and Ryan Cragun, “I Think Some People Need Religion’: The Social Construction of Nonreligious Moral Identities,” *Sociology of Religion* 77, no. 4 (2016): 399. Also see Thiessen and Laflamme, *None of the Above*, 75–77, 92–118.

The idea of relying on something other than oneself was not mentioned only in a positive sense, however. Most interviewees criticised religion and belief in god as having the potential to lead to an avoidance of or ignoring one's sense of personal responsibility, contributing to a loss or 'quitting' of personal agency and individual choice, and connected to a lack of critical thinking. In many cases, this view was accompanied by criticisms of religion as something that is imposed or learned since childhood, with a significant number of participants viewing the religious training of children as something exclusively negative. Furthermore, a number of participants mentioned religion and belief as inducing feelings of anxiety and/or guilt, as well as creating a mindset of following religious authority unquestioningly, thus limiting the ability of the individual to engage in critical reflection about their own beliefs, values and other moral issues.

Religion as an Institution

The emphasis on personal agency, choice and critical thinking was also often apparent when the participants discussed organised religion. The vast majority of interviewees, regardless of context, expressed negative views of religious institutions, perceiving them as exploiting the need for religion as a means to gain power and control over the population. A very significant number of the interviewees expressed criticism of the strict teachings and moralising of religious institutions and figures, which were seen as inhibiting followers from expressing or discovering themselves due to fear of divine punishment. Furthermore, some participants mentioned the potential of organised religion to lead into fanaticism, dogmatism and intolerance, while a significant number voiced criticisms regarding the creation and reinforcement of a divisive and close-minded mentality, the exclusion and oppression of specific groups due to religious beliefs, rules and regulations, and the history of religion-induced violence, segregation, and abuse.

Many participants from all contexts explored demonstrated a sort of tension, however, when discussing the topic of organised religion. On the one hand, religion was viewed as oppressive and controlling, whereas, on the other, following a religious tradition was viewed as an individual choice that should be respected. This tension was mentioned often by participants when the effect that following an organised religion has on the individual person and the dynamics between religious institutions and religious individuals arose during the conversation, especially when the topic of public expressions of religion came up. While the participants were largely in favour of individuals having the freedom to publicly express their religion through their behaviour, lifestyle choices, and clothing, they also had some

difficulty in determining whether this is indeed a personal choice or an imposed one and often relativised their answers to fit the scenario they were discussing.¹³

Religion, Church and State

While the understandings of the term ‘religion’ among the participants were remarkably similar regardless of the cultural context, this was not the case with their perceptions regarding the majority churches and their views on church and state relations in their own countries. The discussion regarding the visibility and influence of religion and the church revealed a very pronounced difference between, on the one hand, the descriptions of the Greek participants and, on the other, the views expressed by the participants from Belgium and Norway. This difference was very clear throughout both waves of research, making the topic of the societal and political influence of the majority church in a national context one of the most pronounced and consistent results of this study.

While the Orthodox Church of Greece was described by the vast majority of Greek interviewees as a very visible entity that greatly affects public opinion and state politics, that was far from being the case with the Catholic Church in Belgium and the Lutheran Church in Norway. In addition, even while the opinions about religious institutions were negative in all contexts, the interviewees demonstrated a noticeable difference when it came to expressions of anger and disappointment towards the church and its relationship to the state, with the Greek participants being visibly more frustrated and disappointed in the Orthodox Church and church/state relations in Greece than the Belgian and Norwegian interviewees with the Catholic and Lutheran Churches and their relationship with the Belgian and Norwegian states, respectively.

Belgium and Norway

In both Belgium and Norway, the majority churches were largely viewed as organisations that provide life-cycle rituals. The majority of interviewees in both contexts described the church as invisible in society and not really influential

¹³ That was particularly prominent when it comes to Muslim veiling practices, with a very significant number of interviewees saying they had no issue with women wearing a *hijab* if it is their own choice but also simultaneously expressing doubts on whether this is indeed the case.

when it comes to public opinion or state politics. For example, the Belgian participant, Elisa, who claimed that she feels “like church is not even a part of our society”, described the effect of the Catholic Church in Belgian society and politics as “really minimal” and connected the church to the performance of life-cycle rituals.¹⁴ Similarly, the Norwegian participant, Carl, connected the Church of Norway to life-cycle rituals in addition to remarking that “the church has kind of died in the Norwegian context”, and that Norwegians, “don’t care what the church thinks”.¹⁵

The only exception to this perception of state and church as separate entities were the Christian democratic parties that exist in both contexts. These political parties were mentioned by a number of participants, with many making negative remarks about these parties’ conservative views. Most of the interviewees noted, however, that the influence of these political parties is minimal. The Norwegian participant, Svan, for example, claimed that, even though “they still have some influence through the Christian Democratic Party”, the Norwegian Church “is not very powerful”.¹⁶ Similarly, the Belgian interviewee, Silvia, pointed out that the

14 “The only thing that people would discuss is if they get married, whether they would want to do it in the church or not. Like, that’s the only part in life where religion still plays a role about, either marriage or a funeral. [. . .] I think that the church got a really big hit with the scandals in Belgium. Up until then, it was actually still quite present, but, yeah, it really shocked many people. [. . .] And now I feel like church is not even a part of our society. [. . .] I mean, the only time I remember the church being in the news is if there are any scandals. If there is something about a scandal it’s there. In general, I believe that the whole scandals created quite an aversion to it” (Elisa, Belgium, 30.09.2019).

15 “It’s not that much in the news when it comes to Norwegian Church, it might be if there’s been something happening. But the church has kind of died in the Norwegian context. [. . .] Yeah, they’ve become very small, so it’s very little. But still, most Norwegians are still members. So, most people just take for granted that they will be buried and have a funeral at the church. Most people, even the non-religious, go to church to get married even if you don’t have to go to church to get married. [. . .] No, not really, we don’t care what the church thinks. Unless they say something, like they don’t like gay marriage, for instance, most of the media and most people would say ‘Damn your church!’ Yeah, it’s the people who are scaring the church in Norway, rather the other way around” (Carl, Norway, 23.07.2020).

16 “Well, the church – even though I’ve never been interested and I’ve never been into it – is not very powerful. Except that it’s a state thing – like, I mean, they get money from the state, and we have one political party that is Christian, and it was even government at some point. So, of course, I can see that they have still have some kind of power and have – how do you say that – they still have some influence through the Christian Democratic Party. So, they are still a part of society, and they still have something to say, even though they have less and less power, I guess. At least compared to what they had, like, 50 years ago, they don’t have that much influence anymore. [. . .] And, for example, they are always the most conservative. For example, I don’t like the fact that they are so much against abortion” (Svan, Norway, 11.11.2019).

Catholic Church “still has a bit of an influence” through the Christian Democrats but also stated that “nobody gives a damn if you’re Catholic or not” in the Belgian context.¹⁷ Overall, both the Belgian and the Norwegian participants had very similar reactions to the majority religious institutions in their countries: they were not positive about their existence but, at the same time, they did not seem worried about their influence in society or politics either.

While the perception of the majority churches as being invisible and uninfluential in society was the greatest similarity between Belgium and Norway, the participants also highlighted some context-dependent topics. In the case of Belgium, there was much negativity towards the Catholic Church, with around half of the interviewees bringing up the 2010 sexual abuse scandals.¹⁸ This can also be seen in the quote from Elisa above, where she explains that “the church got a really big hit with the scandals in Belgium” and states that these stories “created quite an aversion” towards the church in the Belgian context. In the case of Norway, church membership constituted a distinct topic, with more than half of the participants mentioning issues related to the controversies over church membership in Norway and the financial support that religious institutions receive from the state.¹⁹ In addition, there were also a few positive remarks about the open-mindedness of the Lutheran Church. The Norwegian interviewee Till, for exam-

17 “This is Belgium, it’s pretty free when it comes to religion. Nobody gives a damn if you’re Catholic or not. [. . .] It [the church] still has a bit of an influence because we have a political party that’s Christian. And, like, there’s been negotiations about the federal government and then one of the guys from CDMV said like, ‘Oh, yeah. If we vote the new abortion law in the chamber or something,’ I can’t really remember the specifics, but if the abortion law would have been voted in the chamber of Parliament, then he would not cooperate in the negotiations for the federal government anymore. So, again and again, it’s religion. And, again, it’s religion selling women” (Silvia, Belgium, 09.07.2020).

18 See Peter Adriaenssens, “Verslag activiteiten Commissie voor de behandeling van klachten wegens seksueel misbruik in een pastorale relatie,” last modified September 10, 2010, https://www.bishop-accountability.org/reports/2010_09_10_Adriaenssens_Verslag_activiteiten_Commissie.pdf; Ian Traynor, “Belgian child abuse report exposes Catholic clergy,” last modified 10 September 2010, <https://www.theguardian.com/world/2010/sep/10/belgium-child-abuse-catholic-church>.

19 The controversy primarily stems from the Norwegian Church having access to the national registry and the right to automatically register children when at least one parent is a church member; however, that changed in 2018. Furthermore, and as described also by participants in this study, there have been numerous cases of individuals having to deregister from the church multiple times due to the church not removing them from or adding them back to the registry. See Human-Etisk Forbund, “119.000 barn kan være ulovlig registrert,” last modified 7 August 2020, <https://www.human.no/aktuelt/kirkens-tilh%C3%B8rigregister-119-000-barn-kan-vaere-ulovlig-registrert>; “Den utrolige historien om kirkens medlems-register,” last modified 7 August 2019, <https://human.no/nyheter/2019/august/den-utrolige-historien-om-kirkens-medlemsregister/>.

ple, described how he attempted to end his membership in the Norwegian Church more than once; however, he simultaneously positively remarked that the Norwegian Church has “a liberal way of approaching religion, it’s very inclusive, and they always assist the people who need them” and declared that he is “sympathetic to that part of the church”.²⁰

Like Till, the Norwegian interviewee, Gert, mentioned the social initiatives of the Church of Norway in a positive light; even though, like the vast majority of participants from Belgium and Norway, he also described it as “an institution for marriages, baptisms and funerals” that “really does not play a role” in society. Due to having both a Norwegian and a Greek background, however, Gert was also asked for a comparison with his experience of the Greek Orthodox Church, which he described as “a store with customers” and as having “a lot of power in Greece” and “a very big difference” from the church in the Norwegian context:

To be honest, I think it’s [the church in Norway] really outside society. I think that the most people I know, they have really no relationship with the church at all. But you do see some actions from the church, as in the way I mentioned earlier, like they are giving food to people and collecting clothes, and there are some initiatives from the church in order to help people. So, that’s a positive thing. But, yeah, it’s an institution for marriages, baptisms, and funerals. That’s the relationship people have with the church here, so it’s more of a social relationship. I mean, it’s not like having full political power, I wouldn’t say that at all; no, not at all. It really does not play a role here, I think, the state and the church are two different things. [. . .] Oh, well, that’s [comparing it to the church in Greece] interesting. Because, yeah, you have I think, um . . . There, it has more effect on people, more people are involved because in every area there is a church. And it’s a social thing, it’s more of a social thing in Greece. You meet the people from the village in the church, it has a more important position. It has a more important position, in general, in Greece. So, it’s like, you know, it’s like a store with customers! You understand? But, to be honest, there are some things about the church there that disgust me. Like when someone kisses the hand of the priest, that’s something I would never do, and that really disgusts me. They really have a lot of power in Greece, the church and the priests, it is really a very big difference from here. I cannot imagine anyone in Norway kissing the hand of a priest! (Gert, Norway, 15.11.2019)

²⁰ “And I also see that some people find comfort [in the church] and everything. [. . .] And, I mean, we have like gay priests here, we have a lot of female priests, and we have a lot of social-oriented priests. We actually have what I would consider a liberal way of approaching religion, it’s very inclusive, and they always take part with the people who need them. And so, I am sympathetic to that part of the church. [. . .] I did end my membership. I tried actually. First, I tried to end it and I thought I had nothing to do with them but then someone made me aware of that they had done something with their member list, and I checked myself and I saw that I was still a member. So, I sent them a somewhat upset email and then I was removed” (Till, Norway, 15.06.2020).

Greece

Gert's view of the Orthodox Church aligned very well with the opinions expressed by the Greek participants in this study. Although – unlike Belgium and Norway – no explicit affiliation between the majority church and a particular political party was mentioned, the Orthodox Church was described by the vast majority of interviewees as having no real separation from the Greek state, being heavily involved with politics, holding a monopoly on religious matters, and exerting a great deal of influence in Greek society. These factors, in turn, were always perceived as negative and described as making the Greek Church a very strong force within the political scene of the country by giving it the ability to form the opinions of its audience.

In addition, some participants mentioned the connection between Orthodoxy and the Greek national identity in a negative light and described the Greek Church as reproducing and being ideologically connected to (far) right-wing politics and views. The Greek participant Martha, for instance, described the Metropolitan as “a political figure” and noted that the Orthodox Church in Greece “is regarded as a political force that acts according to the tendencies that exist within it, which range from the right to the far right” and “is tied to both national identity and to the reproduction of certain views”.²¹ According to Martha, “the state-church relationships have not yet been broken” in the Greek context as they exist on the “economic”, “ideological” and “political” levels.

The difference in descriptions of church-state relationships was not the only issue that was very apparent in the participant quotes, however, as the level of frustration, anger, and disappointment expressed also differed significantly from Greece to Belgium or Norway. Other than the strong verbal expressions that indicate an increased level of frustration towards the Greek Orthodox Church and the situation in Greece overall, the Greek participants also demonstrated a general antipathy towards priests who were often described as power-hungry and intolerant individuals. Such a case was Eleni, who described the church as “a cancer, which is stage five and it's incurable” and priests as individuals who “as soon as they put on the robes, they get hungry for power”.²² Another participant, Leoni-

21 “I think that it [the church] is regarded as a political force that acts according to the tendencies that exist within it, which range from the right to the far right. [. . .] The Metropolitan is a political figure. He casually produces, and reproduces, opinions. [. . .] So, the church is tied to both national identity and to the reproduction of certain views. It cannot escape that. That's what makes it strong, it feeds on that. Also, the state-church relations have not yet been broken. That is, they are economic, they are ideological, they are political” (Martha, Greece, 29.06.2019).

22 “It's [the church] a cancer, which is stage 5 and it's incurable. And every time morale in society gets a little bit lower, it feeds and it grows and it swallows other new generations along with

das, described his image of the Greek Orthodox Church and clergy as something that “completely repulses” him and has made him “negative towards religion in general,” as well as “biased towards anything religious”.²³

Unlike the participants from Belgium and Norway – who connected a negative image of the majority churches with very specific topics, specifically sexual abuse (Belgium) and church membership issues (Norway) – the Greek participants brought up a much wider array of examples to illustrate their views. The examples that the Greek interviewees brought up were related to a variety of instances where the Orthodox Church has been part of the everyday reality or intermingled with politics in Greece; with many of the second-wave research participants explicitly criticising, the Orthodox Church’s response to the Covid-19 pandemic, among other issues. Such an example can be seen in the quote from Eleni given earlier, who brought up the reaction of the Orthodox Church regarding the transmission of Covid-19 through holy communion,²⁴ describing this issue as a “classic Greek Church” situation.

it. The church in Greece has too much power, even in political matters. [. . .] I’ve heard of priests, for example, who don’t bash gays, who are like ‘We’re all god’s people and we’ll all be forgiven,’ but it’s a very small portion of people who are priests and are also people at the same time. I mean, as soon as they put on the robes, they get thirsty for power. [. . .] To give you an example, the Metropolitan of New York, who dared to turn around and say ‘We’re going to use plastic spoons for communion and we have to watch out for the coronavirus’ and all the Christian-Taliban [Greek expression used to describe Christian extremists] in Greece wanted to excommunicate him and remove him as a Metropolitan because he said that you can get coronavirus with holy communion! While holy communion only gives you Christ! Classic Greek Church” (Eleni, Greece, 06.06.2020).

23 “It’s [the church] doing a lot of harm to Greece as well, I think. That is, you go into the church, and you are told, let’s say, Christianity talks about humble living and you see the church full of gold, the priests are dripping in gold, chandeliers, things like that [. . .]. I think clearly, in my case, it’s the church and how it’s structured here in Greece. And the priests, and so on. The fact that the church here is an institution that is totally backward, totally conservative. Where, even if you want to dig into what you believe it doesn’t work; for me at least, the image I have of the church completely repulses me. It has made me negative on religion in general, it makes me biased towards anything religious. Because that’s what I’ve come to know as religious, and that’s what I reject, so [. . .] how different from that can everything else be?” (Leonidas, Greece, 22.07.2020).

24 See Elena Becatoros and Costas Kantouris, “Communion unchanged in Greek Orthodox Church despite virus,” last modified 29 May 2020, <https://apnews.com/article/lifestyle-athens-religion-europe-thessaloniki-42165e482f3fbb126a38e39fdf5c94f2>; Gregory Pappas, “A Seismic Shift in the Orthodox Church? Archbishop Elpidophoros OKs Single Use Spoons,” last modified 26 May 2020, <https://pappaspost.com/a-seismic-shift-in-the-orthodox-church-archbishop-elpidophoros-oks-single-use-spoons/>.

The Non-Religious in Europe: Similarities and Contextual Differences

As seen throughout the research results, the participants from all contexts alike understood and reacted to the term ‘religion’ in a very similar way, with the majority differentiating between the personal and institutional aspects of religion and placing much emphasis on themes of personal agency, individual choice, and critical thinking. When understood as personal belief or belonging, religion was often positively described as a meaning system that provides comfort, purpose, ethical guidelines and community; however, it was also criticised for promoting a mindset of dependency and avoiding personal responsibility. When understood in terms of organised religion, the vast majority of participants expressed negative views, often describing religious institutions as exploiting religious belief for the purpose of gaining power and control in society. There were also concerns about religious institutions exerting strict teachings and moralising, leading to fear, fanaticism and intolerance. Moreover, there was a very clear tension between viewing religion as oppressive and controlling, while also recognising it as an individual choice to be respected.

The similarities among research participants are not surprising, as the highlighting of personal agency, individual choice and critical thinking has also been pointed out in various studies²⁵ on the values and morality of non-religious populations,²⁶ as

25 As Zuckerman et al. point out, non-religious individuals tend to “be strongly desirous of autonomy and independence” and attach greater emphasis to “making one’s own choices in many aspects of life, including worldview formation, social relationships, and group or institutional involvement”. See Zuckerman, Galen and Pasquale, *The Nonreligious*, 225. Also see pages 125–112, 151–152, 190–196; Thiessen and Laflamme, *None of the Above*, 174–178; Christel Manning, *Losing Our Religion: How Unaffiliated Parents are Raising their Children* (New York: New York University Press, 2015), 138–161.

26 It is important to note that, while highlighted within studies in non-religion, the emphasis on personal agency, choice, and critical thinking is not necessarily to be understood as limited to non-religious cohorts but might encompass broader (believing and non-believing) Western populations. For example, scholars such as Thomas Luckmann, Grace Davie, Paul Heelas, and Linda Woodhead have underscored a distinction between personally chosen/individualised beliefs and institutionalised religious entities which, in turn, is often connected to the decline of institutionalised religion in Western societies. See Thomas Luckmann, *The Invisible Religion: The Problem of Religion in Modern Society* (New York: Macmillan, 1967); Grace Davie, *Religion in Britain since 1945: Believing without Belonging* (Oxford: Blackwell, 1994); Paul Heelas, Scott Lash, and Paul Morris, *Detraditionalization: Critical Reflections on Authority and Identity* (Oxford: Blackwell, 1996); Paul Heelas and Linda Woodhead, *The Spiritual Revolution: Why Religion Is Giving Way to Spirituality* (Oxford: Blackwell, 2005); Grace Davie, *Religion in Britain: A Persistent Paradox*, 2nd ed. (Chichester: Wiley Blackwell, 2015).

well as in research on non-religious parenting values, where the importance of personal agency, choice, and critical thinking are emphasised, and the imposition of a specific (non-)religious worldview on children is discouraged.²⁷ This highlighting of personal agency and choice brings to mind the work of Christel Manning, who notes that “the choice narrative has become the dominant ethos of our time” and is “so deeply embedded in our culture that we take it for granted; we rarely question it, and we look with suspicion at those who do”.²⁸ In line with Manning’s claims, the participants in this research seemed to regard choice as axiomatically positive – something that became very apparent from their answers to questions about religion and the tensions that surfaced between rejecting religion as imposed and accepting it as a personal choice.

Similarly, the opinions relating to religion that surfaced during research are very similar to the findings of Lorna Mumford’s study of non-religious individuals in London, in which she points to a distinction between religion as individual belief and religion as something that “extends beyond the private realm and exerts influence on society and politics”. As Mumford notes, while almost all her participants expressed “no objection to individuals holding private religious beliefs” and claimed “that they fully support their right to do so”, they also expressed concern about the impact of religious ideas and practices on people’s lives, showing that “their opposition to religion stems more from their perception that some religious beliefs and practices violate the sacred values they hold dear; rather than an outright objection to all forms of religious belief per se”.²⁹ These “sacred values” that Mumford’s participants expressed were – as in this present study – the belief that “every individual must be free to determine, and pursue, their own conception of what constitutes a good life, as long as it does not detrimentally impact the lives of others”, a “commitment to human rights, justice, tolerance, and equality for all”, and an understanding of “individual autonomy and personal freedom as essential for leading a fulfilled and happy life”.³⁰ This emphasis on the inherent value of autonomy and choice seems to result in the tension displayed by the participants between the understanding of religion as a choice and religion as imposed.

27 See Thiessen and Laflamme, *None of the Above*, 31–32, 37–40; Vern Bengtson, David Hayward, Phil Zuckerman and Merrill Silverstein, “Bringing Up Nones: Intergenerational Influences and Cohort Trends,” *Journal for the Scientific Study of Religion* 57, no. 2 (2018): 258–275; Joel Thiessen, “Kids, You Make the Choice: Religious and Secular Socialization among Marginal Affiliates and Nonreligious Individuals,” *Secularism & Nonreligion* 5, no. 1 (2016), <https://doi.org/10.5334/snr.60>; Manning, *Losing Our Religion*, 138–166.

28 Manning, *Losing Our Religion*, 149.

29 Lorna Mumford, “Living Non-religious Identity in London,” in *Atheist Identities – Spaces and Social Contexts*, edited by Lori Beaman and Steven Tomlins (Cham: Springer, 2014), 166.

30 Mumford, “Living Non-religious Identity in London,” 164–165.

Despite the contextual similarities, however, this research also showcased that – in the words of Christopher Cotter – speaking “of those with ‘no religion’ as a coherent group is a fool’s errand”.³¹ The cultural background made a considerable difference in how the participants described the church within their own contexts, with a very pronounced difference laying between the opinions of the Belgian and Norwegian participants, on the one hand, and the opinions of the Greek participants on the other. While the former described the majority churches in their contexts as institutions that are rather invisible in society and barely have any influence within the Belgian and Norwegian states, the latter described the Church of Greece as a highly visible institution with a significant impact in society and state politics. In addition, the Greek participants were visibly more frustrated and disappointed with the Orthodox Church and its relationship with the Greek state, compared to Belgian and Norwegian participants with the respective majority churches in their contexts.

The differences in descriptions and opinions regarding the majority churches, as well as church-state relations, were the most pronounced and consistent aspect of this research right from the very beginning. The importance and presence of religion and the church in the public sphere – including society, everyday reality, and state politics – seemed to hold a crucial role in this outcome, with the Greek interviewees standing out due to their intense expressions of disappointment with the Orthodox Church and its influence on the Greek society and state. While the Belgian and Norwegian participants were similarly not positive toward the Catholic Church and the Lutheran Church, respectively, they did not describe the majority churches as having an important effect or influence in their contexts. Overall, the participants from Belgium and Norway seemed to feel less personally affected by the majority churches of their countries than the Greek participants, leading to less intense expressions of disappointment and disapproval.

The descriptions by the Greek participants align with a number of studies that highlight the prevalence of religion in Greece as opposed to the more secular contexts of Belgium and Norway,³² including the strong relationship between the Greek state and the Orthodox Church, as well as the connection between the Greek na-

³¹ Cotter, *The Critical Study of Nonreligion*, 28.

³² See Pew Research, “Being Christian in Western Europe,” last modified 29 May 2018, <https://www.pewresearch.org/religion/2018/05/29/being-christian-in-western-europe/>; “Eastern and Western Europeans Differ on Importance of Religion, Views of Minorities, and Key Social Issues,” last modified 29 October 2018, <https://www.pewresearch.org/religion/2018/10/29/eastern-and-western-europeans-differ-on-importance-of-religion-views-of-minorities-and-key-social-issues/>; “Religious Belief and National Belonging in Central and Eastern Europe,” last modified 10 May 2017, <https://www.pewresearch.org/religion/2017/05/10/religious-belief-and-national-belonging-in-central-and-eastern-europe/>.

tional identity and orthodox christianity.³³ This dissimilarity, in turn, confirms the conclusion by Zuckerman, Galen, and Pasquale that secularity is “hardly proceeding at the same pace, or to the same degrees, everywhere throughout Europe”.³⁴

Furthermore, and again in contrast to Belgium and Norway,³⁵ orthodoxy in Greece is constitutionally recognised as the ‘prevailing religion’ of the country and therefore “guarantees the church the monopoly on cooperation with the state and provides it with a standard clientele”, as well as with “significant political and economic influence” and “a powerful voice in policy-making and the organisation of society”.³⁶ As Alexandros Sakellariou notes, despite a number of secular developments occurring since the beginning of the new millennium, “there are many steps to be taken before the Greek state could be considered religiously neutral or secular”.³⁷ The influence and visibility of the Orthodox Church is something that the Greek interviewees acknowledged and reacted to, thus demonstrating that the importance and visibility of religion within a specific context does appear to greatly affect how the non-religious view and react to the majority church within that context.

While this result cannot be generalised due to the limited sample, it does indicate a straightforward relationship between the prominence of religion in the public sphere and the perceptions, reactions and attitudes of the non-religious population when it comes to the majority religious institutions in a specific con-

33 See Periklis Polyzoidis, “Church–State Relations in Today’s Crisis-Beset Greece: A Delicate Balance Within a Frantic Society,” in *Faith-Based Organizations and Social Welfare*, edited by Paul Christopher Manuel and Miguel Glatzer (Cham: Palgrave Macmillan, 2019), 138–140, 148–151.

34 Zuckerman, Galen and Pasquale, *The Nonreligious*, 60.

35 While Belgium historically has a constitutional principle of separation between church alongside actively supporting freedom of religion, the case of the Norwegian church-state relations is a subject of recent change. Norway underwent a significant shift in its church-state relationship in May 2012, with a constitutional amendment leading to the separation of the Church of Norway from the state with the law taking effect in January 2017. Although no longer a state church, the constitution designates the Church of Norway as the “Norway’s people’s church” (*Norges Folkekirke*), with the church receiving financial support from the government alongside other religious communities and worldview organisations. See Leni Franken, “State Support for Religion in Belgium: A Critical Evaluation,” *A Journal of Church and State* 59, no. 1 (2017): 66–67; Anne Hege Grung, “The Two Pluralisms in Norway,” *Society (New Brunswick)* 54, no. 5 (2017): 432–434.

36 Polyzoidis, “Church–State Relations in Today’s Crisis-Beset Greece,” 150–151. Also see Minos-Athanasios Karyotakis, Nikos Antonopoulos and Theodora Saridou, “A Case Study in News Articles, Users Comments and a Facebook Group for Article 3 of the Greek Constitution,” *KOME – An International Journal of Pure Communication Inquiry* 7, no. 2 (2019): 39–42.

37 See Alexandros Sakellariou, “Greek Society in Transition: Trajectories from Orthodox Christianity to Atheism,” in *Nonreligion in Late Modern Societies: Institutional and Legal Perspectives*, edited by Anne-Laure Zwilling and Helge Årsheim (Cham: Springer, 2022), 133–138.

text. Similar remarks on the effect that the visibility of religion seems to have on non-religious views and expressions have been made by Zuckerman in his comparative study between non-religious individuals in Scandinavia and the US. He notes a difference between his Scandinavian participants – who had “an indifferent or even mildly positive opinion of religion” – and individuals from the US, who had “a decidedly negative, critical opinion of religion”.³⁸ Following these results, Zuckerman concludes that “secularity can have a reactive manifestation as well as a non-reactive or passive manifestation”; he attributes this difference to the greater visibility and influence of religion in the US than in Scandinavia, pointing out that “when religion is pervasive in a given culture, [. . .] those who are not religious are apt to be more defensive, and hence more judgmental and critical – whereas if religion is marginal, [. . .] then those who are not religious can ignore it”.³⁹ A similar conclusion has also been drawn by Petra Klug, who remarks that “the personal experience of religion was the main factor in the sense that indifferent people start disapproving of religion or criticising it when they feel an infringement or pressure from religion on their own lives and/or on the lives of others”.⁴⁰

While some similarities and common patterns do exist when it comes to the views of non-religious individuals, the findings of the present study highlight the importance of considering the contextual factors in the investigation of non-religious identities and lived experiences. This consideration is not limited to small-scale qualitative research, like the study presented in this chapter, but also extends to larger-scale questionnaires and surveys that address topics related to (non-)religion and secularity. Moreover, although this study sheds some light on the European context and highlights that there is no such thing as a monolithic ‘European secularity’ or ‘secular Europe’, there are still numerous other contexts, both within and outside of Europe, that warrant further exploration and comparison. For instance, how would the non-religious participants from Greece compare to those in other countries that have a strong connection between national identity and religion, such as Romania or Poland? Similarly, what would non-religion in Belgium look like in comparison to other European countries with a stronger Catholic presence in society, such as Spain, Croatia, or Italy? And what

³⁸ Phil Zuckerman, “Contrasting Irreligious Orientation: Atheism and Secularity in the USA and Scandinavia,” *Approaching Religion* 2, no. 1 (2012): 12.

³⁹ Zuckerman, “Contrasting Irreligious Orientation,” 19.

⁴⁰ Petra Klug, “Varieties of Nonreligion: Why Some People Criticize Religion, While Others Just Don’t Care,” in *Religious Indifference: New Perspectives from Studies on Secularization and Non-religion*, edited by Johannes Quack and Cora Schuh (Cham: Springer, 2017): 232.

would the differences – if any – be between non-religious individuals who have been brought up in Scandinavian countries, such as Norway, Denmark and Sweden, and individuals coming from other largely non-religious contexts such as Japan and China? As the field of non-religion continues to develop in the European academic landscape and beyond, these questions remain to be answered.



Part III

Jean-François Husson

Let's Talk about Money. Questions and Challenges Around the Public Funding of Humanist Organisations

This chapter explores how analysing public funding for secularist/humanist organisations can complement historical and legislative approaches when comparing their situation with that of religious communities. In the line of theoretical works running from Jean Padioleau,¹ to Philippe Bezes and Alexandre Siné,² our main argument is that budgetary and tax instruments often reveal a more complex story than the political discourse or even the main legislation. Such instruments' specific features, the conditions under which they are obtained, and the distribution of the amounts concerned enable a concrete comparison of public funding for humanist organisations and faith communities. It considers the expectations placed on these organisations by the public authorities that support them financially. It can contribute to discussions on typologies and categorisations of secularist/humanist organisations, their internal organisation, and political positions.³

Belgium will be the central study case as comprehensive budgetary data is now available.⁴ This country is supportive of secular humanist organisations as they are funded on the same constitutional basis as religious communities.⁵ By way of comparison, this chapter presents the situation in four other countries: France and the United Kingdom, which do not have a direct funding system for religions, and Germany and Italy, which have a funding system based on the aggregation of individual decisions.

1 Jean Padioleau, *L'Etat au concret* (Paris: Presses universitaires de France, 1982).

2 Philippe Bezes and Alexandre Siné, *Gouverner (par) les finances publiques* (Paris: Presses de Sciences Po, 2011).

3 An illustration in the USA can be found in Joseph Blankholm, "Secularism and Secular People," *Public Culture* 30, no. 2 (2018): 245–268.

4 Jean-François Husson, "Gouverner les cultes par les finances publiques? Une analyse du financement des communautés convictionnelles au départ des instruments budgétaires et fiscaux" (PhD dissertation, Université de Liège, 2022).

5 Caroline Sägesser and Jean-François Husson, "La reconnaissance et le financement de la laïcité (I)," *Courrier hebdomadaire du CRISP* 1756 (2002): 41.

Analytical Resources

Our theoretical starting point is what Pierre Lascoumes and Patrick Le Galès call “public policy instrumentation”, which they define as “the set of problems posed by the choice and use of instruments [. . .] that allow government policy to be made material and operational”.⁶ The aim is “not only to understand the reasons that lead to the use of one instrument rather than another but also to envisage the effects that these choices have”. Like other authors, such as Christopher Hood,⁷ or Marie-Louise Bemelmans-Videc et al.,⁸ Lascoumes and Le Galès developed their own typology of instruments: legislative and regulatory, economic and fiscal, contractual and incentive, information and communication, while stressing “that it is exceptional for a policy, or even a programme for action within a policy, to be mono-instrumental”.⁹ In this context,

a public policy instrument is a device that is both technical and social, organising specific social relations between the state and its addressees in accordance with the representations and meanings it carries. It is a particular type of institution, a technical device carrying a concrete concept of the relationship between politics and society, and supported by a concept of regulation.

In this line, Bezes and Siné have developed more specific proposals for analysis in relation to fiscal instruments, both budgetary and fiscal.¹⁰

We propose three main steps to build and analyse the appropriate corpus to deconstruct public policies.¹¹

- Define a specific area in which the activities of faith-based and secular humanist organisations can be compared. Religious or humanist guidance/counselling/pastoral support could be this ‘common ground’ and will be discussed in the next paragraphs. It implies that funding related to other activities (educational, cultural, or social activities for instance) must be treated separately.

6 Pierre Lascoumes and Patrick Le Galès, “Introduction: Understanding Public Policy Through Its Instruments—from the nature of instruments to the sociology of public policy instrumentation,” *Governance* 20, no. 1 (2007): 4–5.

7 Christopher C. Hood, *The Tools of Government* (London: Macmillan, 1983); Christopher C. Hood, “The Tools of Government in the Information Age,” in *The Oxford Handbook of Public Policy*, edited by Michael Moran, Martin Rein and Robert E. Goodin (Oxford: Oxford University Press, 2006), 469–481.

8 Marie-Louise Bemelmans-Videc, Ray C. Rist and Evert Vedung, *Carrots, Sticks & Sermons. Policy Instruments and Their Evaluation*, 4th ed. (New Brunswick: Transaction, 2007).

9 See Pierre Lascoumes and Patrick Le Galès, *Gouverner Par Les Instruments* (Paris: Presses de Sciences Po, 2004).

10 See Bezes and Siné, *Gouverner (Par) Les Finances Publiques*.

11 See Jean-François Husson, “Gouverner les cultes par les finances publique?”

- Identify the specific fiscal instruments used to finance these activities. They are usually a mix of direct public expenditure, general and/or specific grants, allocation of a portion of taxes, collection of church taxes, endowment of a foundation, tax incentives (e.g. for donations) and tax privileges (e.g. for buildings).¹²
- Carry out a socio-political analysis based on budgetary data, i.e. amounts and technicalities of the instruments.

Our Scope: Pastoral Support and its Instruments

Humanist/secular organisations – as well as faith-based organisations – are involved in a wide range of activities, from lobbying to 'pastoral support'. It is therefore necessary to define the scope of what is being compared. Its definition is not only a methodological question but also has a political dimension, both in terms of policy and politics. However, due to differences in countries' histories and political cultures, what may be considered a legitimate scope can vary. For example, in a reference book comparing funding schemes in different European countries,¹³ the chapter on France covers a very restricted scope of funding for religion, while the chapter on Germany deals with a much larger scope.

'Pastoral Support'

Could a comparison be made with faith-based organisations in terms of 'pastoral support'? While the Belgian case does indeed support this notion (as detailed in the following section), how should we define that initial scope?

Let us examine the religious perspective to begin with. Emile Poulat¹⁴ provides a definition of *culte* ('cult') as the ceremonies, ministers who perform them, their accommodation (presbytery), and training (seminary), the episcopal authority that governs (with its cathedral), as well as "the sermon, preaching, catechism,

¹² Jean-François Husson, "Public Funding of Religion," in *The SAGE Encyclopedia of the Sociology of Religion*, edited by Adam Possamai and Anthony J. Blasi, 1st edition (London: SAGE Publications Ltd, 2020), 637–638.

¹³ Brigitte Basdevant-Gaudemet and Salvatore Berlingo, *Le financement des religions dans les pays de l'Union européenne* (Leuven: Peeters, 2009).

¹⁴ Emile Poulat, *Notre Laïcité Publique: 'La France est une république laïque'* (Paris: Berg international, 2003), 139.

visiting the sick, comforting the dying”.¹⁵ The secular clergy or its equivalent among protestants and jews provides these services to their parishioners, Poulat adds. In addition, chaplains perform similar roles in specific sectors, such as hospitals, prisons, and the armed forces.

While there is obviously not a strict equivalent on the humanist side, let us consider what Humanists UK refers to as Humanist Pastoral Support: “Humanists UK is committed to ensuring that all people with non-religious beliefs have access to pastoral support, just as religious people have access to such support”.¹⁶ It includes the provision of non-religious funerals and other humanist ceremonies, as well as non-religious pastoral support in various institutional settings such as hospitals, prisons, and other institutions. According to this approach, Humanists UK aims to reach those who identify as humanist, as well as non-religious individuals more broadly.

The term ‘counselling’ is also widely used, for instance by the European Humanist Federation,¹⁷ in Belgium,¹⁸ in the UK,¹⁹ and in Germany.²⁰ Both terms will be used interchangeably, although ‘pastoral support’ will be preferred when comparing with faith-based organisations or when mentioning collaboration among organisations referring to different worldviews.

Expenses Related to Pastoral Support

The corresponding fiscal instruments are therefore the budgetary and tax instruments covering the costs of religious and humanist pastoral support on a territorial basis:

- salaries of secular clergy assigned to roles as mentioned above and the staff of organisations that provide humanist counselling or organise ceremonies based on secular humanist principles;

¹⁵ A word that has no adequate correspondent in English as ‘worship’ has a slightly different meaning, and ‘cult’ a very different one.

¹⁶ “Non-religious pastoral support. A like-minded listening ear,” accessed 5 February 2024, <https://humanists.uk/community/humanist-pastoral-support/>.

¹⁷ “Our members,” accessed 5 February 2024, <https://europe.humanists.international/who-we-are/members/>.

¹⁸ Niels De Nutte, “Vrijzinnigheid: Secular Humanism in Belgium,” *Free Inquiry* 39, no. 5 (2019): 27–31.

¹⁹ “Community Services,” accessed February 5, 2024, <https://humanists.uk/community/>.

²⁰ See Anke Lauke, ‘Opportunities and Challenges for Humanist Counselling in Berlin’ (Humanistische Akademie Berlin-Brandenburg, 2019).

- maintenance of places of worship and buildings dedicated to such humanist pastoral support, as well as operating expenses, such as heating, insurance, phone bills, etc.

Other costs to be covered include salaries, buildings and operating expenses for:

- specialised religious and humanist assistance such as chaplaincies in the armed forces, prisons, hospitals, etc.;
- staff and hierarchical functions for coordinating bodies of denominations and humanist organisations;
- religious or humanist broadcasting, which is available on public radio and TV channels in many countries. This allows people to remotely join ceremonies and receive religious or humanist guidance.

Funding Pastoral Support through Fiscal Instruments

Table 1 summarises the main fiscal instruments. Incidentally, while church and state relations are usually seen as a spectrum ranging from French *laïcité* to the English established church, public funding is more likely to see it as a circle, since these two extremes are based on very similar funding schemes.

The discussion in this chapter will not cover the revenues from properties and financial assets, except for some brief comments in the national sections below. Although related,²¹ this topic is separate from the question of public funding and is a fascinating area of research due to its significant historical and socio-political aspects.²²

Beneficiaries

What are the secular humanist organisations whose pastoral support activities can be compared, in one way or another, to the activities of the churches? We will use the term ‘humanist organisations’ as most of these secular organisations providing a kind of pastoral support have humanist in their name and/or are or

²¹ Husson, “Gouverner Les Cultes Par Les Finances Publiques?,” 153–155.

²² As examples, see Niels De Nutte’s contribution to this volume or Maarten van Dijck, Jan De Maeyer, Jeffrey Tyssens and Jimmy Koppen, eds., *The Economics of Providence: Management, Finances and Patrimony of Religious Orders and Congregations in Europe, 1773-c 1930*, KADOC-Studies on Religion, Culture and Society 11 (Leuven: Leuven University Press, 2012).

Table 1: Main fiscal instrument for pastoral support.

Kind of funding	Examples	Remarks
General grant	Italy	A portion of the income tax is shared based on taxpayers' choices (hence some competition). As a result, churches have significant autonomy in using these funds.
Church tax levied by the state or with its help	Germany	Corporations of public law may levy a tax on their members. They also have significant autonomy, but the revenue depends on the number of members and their income.
Number of specific grants	Belgium	Salaries are directly paid for by the state; local communities deficits are directly paid for by local authorities. Specific grants deal with chaplaincies.
Limited funding, but tax incentives are provided to encourage donations	France, United Kingdom	Communities rely heavily on gifts and donations, which are supported by tax incentives and sometimes matching grants. Beneficiaries enjoy a large degree of autonomy, but their funding is dependent on the motivation of donors on a year-to-year basis. Some specific grants cover chaplaincies, maintenance of listed buildings and sometimes radio-TV broadcasts.

were affiliated to Humanists International (HI)²³ or the former European Humanist Federation (EHF), as shown in Table 2.²⁴

Issues

Our comparison between non-confessional and religious organisations is based on the following questions:

- Are humanist organisations recognised by civil authorities for a role in pastoral support?
- Do they receive any public funding?
- Is this funding scheme comparable to that of faith communities?
- What criteria are used to distribute public funding among organisations?
- Does receiving public funding affect an association's stance on public funding for churches?

²³ Humanists International, accessed 5 February 2024, <https://humanists.international/>.

²⁴ European Humanist Federation, accessed 5 February 2024, <https://europe.humanists.international/>.

Table 2: Humanist organisations in the countries reviewed.

Pastoral support	Others (non-exhaustive)
Belgium	
<i>Centre d'Action Laïque – CAL (1)</i> <i>deMens.nu (1) (2)</i>	<i>Centrum voor Academische en Vrijzinnige Archieven – CAVA (2)</i> <i>Centrum voor Vrijzinnig Humanistische Erfgoed – CVHE (2)</i> <i>Raad voor Inspectie & Kwaliteitszorg niet-confessionele Zedenleer – RIKZZ (2)</i>
France²⁵	
	<i>Ligue de l'Enseignement (1)</i> <i>Union des Familles Laïques (1)</i> <i>Union Rationaliste (1)</i>
United Kingdom	
Humanists UK (1) (2)	<i>National Secular Society (1) (2)</i> <i>Central London Humanist Group (1) (2)</i> <i>Conway Hall Ethical Society (1) (2)</i> <i>Humanist Society Scotland (1) (2)</i> <i>North East Humanists (1) (2)</i> <i>South West London Humanists (1) (2)</i>
Germany	
<i>Humanistischen Verband Deutschlands – HVD (1) (2)</i> <i>Humanistische Vereinigung – HV (1) (2)</i> <i>Dachverband Freier Weltanschauungsgemeinschaften – DFW (1) (2)</i>	<i>Bund Freireligiöser Gemeinden Deutschlands (2)</i> <i>Giordano Bruno Stiftung – GBS (2)</i>
Italy	
<i>Unione degli Atei e degli Agnostici Razionalisti – UAAR (1) (2)</i>	<i>Associazione Luca Coscioni per la libertà di ricerca scientifica Inmedia[s]reslaica</i> <i>Associazione del Libero Pensiero “Giordano Bruno”(2*)</i> <i>Coordinamento Nazionale delle Consulte per la Laicità delle Istituzio (2*)</i>

(1) Listed as member or affiliate on HI website.

(2) Listed as member or affiliate on EHF website (2* was previously listed)

²⁵ No French organisation is listed on the Humanists International website as of 15 January 2024.

Answering these questions could contribute to a debate on a typology of government attitudes towards humanist organisations. To keep it simple, this could include official support, insensitivity, or official hostility. This mirrors Jonathan Fox's typology of governments' attitudes towards religion,²⁶ where insensitivity is quite rare.²⁷

Stance of Secularist and Humanist Organisations on the Public Funding of Churches

The question here is whether the position will be to call for an end to the public funding of the churches (as in France) or to call for comparable funding (as in Belgium). The assumption is that humanist organisations providing pastoral support will demand funding for these activities, or even to be able to hold an alternative discourse to that of the churches, while secularist organisations, which do not offer such services and aim to combat the influence of the churches in society, will campaign against the public funding of the latter. Such secularist organisations may choose to apply for public funding or rely on their own resources to maintain their independence. This may result in a distinction based on the criteria of 'new atheism', as discussed by Stefan Schröder in the German case.²⁸ This approach can be combined with François Bloch-Lainé's traditional typology of associations,²⁹ which is based on three objectives: delivering services, lobbying and providing meeting spaces.

²⁶ Jonathan Fox, *A World Survey of Religion and the State* (Cambridge: Cambridge University Press, 2008).

²⁷ Some other typologies could also be used, such as Cécile Laborde, "Religion in the Law: The Disaggregation Approach," *Law and Philosophy* 34, no. 6 (2015): 581–600.

²⁸ Stefan Schröder, "Organized New Atheism in Germany?," *Journal of Contemporary Religion* 32, no. 1 (2017): 33–49; Stefan Schröder, "Humanist Organizations and Secularization in Germany," *Religion and Society in Central and Eastern Europe* 10, no. 1 (2017): 21–34.

²⁹ Quoted by Jacques Defourny, "Le secteur de l'économie sociale en Belgique," in *Economie sociale. Entre économie capitaliste et économie publique*, edited by Jacques Defourny and José L. Monzon Campos (Brussels: De Boeck, 1992), 236.

Other Fields

It has been previously emphasised that it is important to treat other fields separately. Let us briefly discuss some of these other fields.³⁰ One issue debated is the public funding of private denominational education, which is different from pastoral support.³¹ In many countries, secularist organisations call for the reduction or termination such funding or the integration of these schools into the public service, as in French-speaking Belgium,³² France,³³ or the UK.³⁴ As an alternative to denominational schools, secularists have typically developed a policy mix, advocating for secularised public education,³⁵ and sometimes establishing their own schools, universities,³⁶ or other institutions of higher education.

A related but specific topic is religious education in public education.³⁷ It is organised in several European countries,³⁸ including those that will be reviewed: Belgium (where, in 2000 the cost was equivalent to that of pastoral care), Alsace-

30 Religious congregations (regular clergy), heritage/listed buildings and pensions will not be treated here. For a discussion, see Husson, “*Gouverner les cultes par les finances publiques?*,” 170–173.

31 Poulat, *Notre Laïcité Publique*, 78–79.

32 As an example: “Vers une fusion des réseaux d’enseignement,” accessed 5 February 2024, <https://www.calliege.be/salut-fraternite/76/vers-une-fusion-des-reseaux-denseignement/>.

33 As an example: “A celles et ceux qui agitent le chiffon rouge de la guerre scolaire, nous répondons que celle-ci n’a jamais cessé,” accessed 5 February 2024, https://www.lemonde.fr/education/article/2023/06/06/a-celles-et-ceux-qui-agitent-le-chiffon-rouge-de-la-guerre-scolaire-nous-repondons-que-celle-ci-n-a-jamais-cesse_6176327_1473685.html.

34 As an example: “State-funded faith schools,” accessed 5 February 2024, <https://humanists.uk/campaigns/schools-and-education/faith-schools/>.

35 “Enseignement,” Belgium (CAL), accessed 5 February 2024, [36 Such as the *Université Libre de Bruxelles* in Belgium or the *Universiteit voor Humanistiek* in the Netherlands.](https://www.laicite.be/laction-laique/nos-engagements/enseignement/”; “La Ligue de l’enseignement histoire et memoire militante,” France (Ligue de l’Enseignement), accessed 5 February 2024, https://memoires.laligue.org/section/education.</p>
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37 For a global view, see Leni Franken and Patrick Loobuyck, ed., *Religious education in a plural, secularised society: a paradigm shift* (Münster München Berlin: Waxmann, 2011), and Bérengère Massignon and Virginie Riva, *L’Europe, avec ou sans Dieu ? Héritages et nouveaux défis* (Paris: Les Editions de l’Atelier, 2011), 223–242.

38 Jonathan Fox, *A World Survey of Religion and the State*, 107, 112.

Moselle (France),³⁹ England,⁴⁰ Italy⁴¹ and Germany.⁴² While a general aim seems to be ending such religious education in public schools, alternatives have been developed in Belgium and Germany and, to a lesser extent, Italy.⁴³

There are numerous faith-based or secularist/humanist associations, foundations and charities active in various sectors. Many of these organisations receive public funding through specific public policies. These sectors include social, cultural, health, youth, continuing education and development cooperation, among others. Under our approach, these should not be considered public funding of ‘pastoral support’ provided by religions and humanist organisations. However, there are three comments to be made regarding this statement. Firstly, in Belgium, this array of associations has been at the forefront of recognising the ‘pastoral support’ role of humanist organisations. Secondly, some humanist organisations have a ‘dual role’ in providing both pastoral support and engaging in social, cultural or lobbying activities. Finally, in analytical terms, the proposed methodology could be extended to include such activities, with a focus on the beneficiaries rather than the activities themselves.⁴⁴

Belgium

Main Actors

Belgium recognises six religions (catholicism, protestantism, judaism, anglicanism, islam, and orthodox christianity) and non-confessional organisations.⁴⁵ The latter are federated under the *Conseil Central laïque* (Secular Central Council –

39 André Pachod and Jean-Luc Denny, “L’enseignement religieux en Alsace-Moselle : Histoire, modèles, perspectives,” *Recherches & éducations* 25 (2023), <https://doi.org/10.4000/rechercheseducations.13881>.

40 Lynn Revell, “Religious Education in England,” *Numen* 55, no. 2/3 (2008): 218–240.

41 Stella Cogliervina, “Religious Education in Italian Public Schools: What Room for Islam?,” *Stato, Chiese e Pluralismo Confessionale* 29 (2017): 1–15.

42 Fabius Wittmer and Christian Waldhoff, “Religious Education in Germany in Light of Religious Diversity: Constitutional Requirements for Religious Education,” *German Law Journal* 20, no. 7 (2019): 1047–1065.

43 Massignon and Riva, *L’Europe, avec ou sans Dieu ? Héritages et nouveaux défis*, 232–242.

44 Husson, “Gouverner les cultes par les finances publiques?,” 179–182.

45 For a socio-political background on this public funding, see Sägesser and Husson, “La Reconnaissance et Le Financement de La Laïcité (I)”; Sägesser and Husson, “La Reconnaissance et Le Financement de La Laïcité (II),” *Courrier Hebdomadaire CRISP* 1760 (2002): 3–52; contributions of Sägesser and De Nutte to: Niels De Nutte and Bart Gasenbeek, ed., *Looking Back to Look Forward:*

CCL), which is considered the ‘representative body’ of secular humanist organisations in Belgium and is the cupola organisation for the French-speaking *Centre d’Action Laïque* (CAL) and the Dutch-speaking *deMens.nu* (formerly *Unie Vrijzinnige Verenigingen – UVV*). Both CCL’s wings are themselves federations of federations, gathering humanist associations from a wide spectrum. Through these sectoral and local associations, humanist ‘chaplancies’ and humanist broadcasting, secular humanism has gained political recognition since the 1960s, leading to the first discussions on an official recognition in the 1970s, a working grant for the CCL in the early 1980s, an amendment to the Belgian constitution in 1993, and a specific law in 2002. Buddhism has applied to be recognised as another non-confessional organisation despite reservations from the humanist side.⁴⁶

In Belgium, it is common to use the term *communautés convictionnelles* to refer to both religious and non-confessional organisations. As a proper English translation is difficult, ‘communities’ will be used in this chapter.

Pastoral Support and its Funding

The term ‘pastoral support’ as previously presented, mainly refers to moral counselling in Belgium, i.e. the moral and/or religious assistance provided by the religious and non-confessional communities. Belgium is an exemplary case as humanist associations are recognised on a similar footing to that of the faith communities, under Article 181 of the Constitution, which has mentioned recognised religious denominations (al. 1), as well as non-confessional philosophical organisations (al. 2) since 1993.⁴⁷

As shown in Table 3, public funding is primarily based on budgetary instruments. It is worth noting that local religious and non-confessional communities are established as *établissements* (‘public institutions’). These were historically based on the number of inhabitants (catholic ones), the number of believers

Organised Humanism in the World: Belgium, Great Britain, the Netherlands and the United States of America, 1945–2005 (Brussels: ASP, 2019).

⁴⁶ In its opinion on the legislation funding the humanist institutions, the Council of State clearly stated that the *Conseil Central Laïque* could not pretend to have a monopoly of the ‘non-confessional’ segments of the population. However, the non-confessional character of buddhism is challenged, especially by the *Centre d’Action Laïque*. See Thierry Boutte, “Le bouddhisme est-il une religion ou une philosophie?,” *La Libre.be*, 7 July 2023; Anaïs Pire, “Le bouddhisme, philosophie ou religion?,” *Espace de libertés* (blog), 16 February 2023.

⁴⁷ Implemented by a specific law of 21 June 2002 organising institutions and funding for the non-confessional ‘communities’ (to use the words of the law).

Table 3: Main funding instruments.

	Religious communities	Humanist communities (CCL)
Salaries of priests, pastors, and delegates	Paid by the state	Paid by the state (higher salaries)
Operating grant assigned to the representative body of the community	Discretionary federal grant for the muslim representative body (insignificant for the others)	Mandatory federal grant
Buildings	Grants can be obtained from local, provincial and/or regional authorities for places of worship and presbyteries (not associations)	Grants can be obtained from local, provincial and/or regional authorities for buildings of the establishments and associations
Local establishments (parishes, etc.)	Mandatory subsidy to cover the deficit, from local, provincial or regional authorities (limited to 30 or 40 percent in Brussels Capital Region)	Mandatory subsidy to cover the deficit, from provincial or regional authorities (most often covering all expenditure)
Chaplaincies and equivalent services	Salaries and working grants from the <i>ad hoc</i> Department or Ministry	
Radio and/or TV broadcasts on public channels ⁴⁸	Yes (except muslims and anglicans)	Yes
Property tax exemption	Yes	Yes (including associations)

(other religions) or simply on a territorial basis (humanist provincial establishments and local services).

It is noteworthy that, in terms of instruments (not in absolute amounts, of course), the humanist communities hold a position that is at least as favourable as that of the most privileged religious community, namely the Catholic Church. Based on the technicalities of the instruments, it is evident that salaries are more generous, the representative body receives a substantial working grant, and local establishments are financed without any contribution from the affiliates. Additionally, local establishments are financed for a wider range of expenditures than local religious communities.

How do these instruments translate into monetary value? The amounts resulting from the instruments listed (excluding property tax exemptions) in cur-

⁴⁸ Varying between the French-speaking, Dutch-speaking, and German-speaking parts of Belgium.

rent euros, ranged from €165 million in 1990, to €276 million in 2020, for all religious and non-confessional communities. Over the past 30 years, the catholic share has decreased from 95 percent to 75 percent, while the humanist share has increased from 2 to 15 percent.⁴⁹ The growth of humanist communities is largely attributed to a specific law passed on 21 June 2002, which implemented the recognition of humanist communities through Article 181, al. 2, of the constitution, inserted in 1993.⁵⁰

These percentages show that humanist communities receive considerably less than religions or even the Catholic Church alone. This prompts consideration of the appropriate indicators for evaluating the fairness of the distribution. According to some authors, public funding should be proportional to the number of believers or affiliates.⁵¹ However, this approach has the following limitations: firstly, there is a lack of reliable and refined statistics on religious/philosophical affiliations and commitment in Belgium,⁵² especially as regards catholics,⁵³ muslims,⁵⁴ protestants⁵⁵ and the non-religious, the latter category encompassing a

49 See Husson, “Gouverner Les Cultes Par Les Finances Publiques?”

50 See Husson and Sägesser, “La Reconnaissance et Le Financement de La Laïcité (II).”

51 Niels De Nutte, “Une Belgique en faveur de la non croyance organisée. L’humanisme séculier est-il l’Église subventionnée des sans religion?,” in *L’État et la religion dans l’espace public: approches pratiques et théoriques de la laïcité*, edited by Jérôme Grosclaude (Rouen: PURH, 2021), 177–180; Stéphanie Wattier, *Quel Système de Financement Public Des Cultes et Des Organisations Philosophiques Non Confessionnelles? Analyse de Constitutionnalité et de Conventioannalité. Dissertation Présentée En Vue de l’obtention Du Titre de Docteur En Sciences Juridiques* (Louvain-la-Neuve: Université Catholique de Louvain, 2015), 478–482.

52 “L’évolution des croyances religieuses en chiffres: les cas singuliers de la Belgique et des USA,” accessed 4 February 2024, <https://o-re-la.ulb.be/analyses/item/1227-1%E2%80%99%C3%A9vol%20des-croyances-religieuses-en-chiffres-les-cas-singuliers-de-la-belgique-et-des-usa.html>; Husson, “Gouverner Les Cultes Par Les Finances Publiques?,” 382.

53 “Sixième rapport annuel de l’Église de Belgique: entre renouveau et vieux démons,” accessed 4 February 2024, <https://o-re-la.ulb.be/analyses/item/4503-sixi%C3%A8me-rapport-annuel-de-l%E2%80%99%C3%A9glise-de-belgique-entre-renouveau-et-vieux-d%C3%A9mons.html>.

54 For a discussion, see Jean-François Husson, “Belgium,” in *Yearbook of Muslims in Europe. Volume 14*, edited by Samim Akgönül, Jørgen S. Nielsen Ahmet Alibašić, Stephanie Müssig and Egdūnas Račius (Leiden: Koninklijke Brill NV, 2023), 110–113.

55 The distinction between the main denominations is very rare and may lead to some confusion (as shown in the Swiss case by Christophe Monnot, “Mesurer La Pratique Religieuse: Différents Mesures, Différents Taux? Analyse Comparative à Partir de La Suisse,” *Archives de Sciences Sociales Des Religions*, no. 158 (2012): 137–156.)

wide range of profiles. Secondly, in that same line, should only the ‘committed’ be counted (churchgoers in the case of catholics, card-carrying members of the humanist organisations) or should a larger measure be considered, such as people who could call on the moral services of the humanist or religious communities?⁵⁶ In other words, faith (or not), belonging and support should be distinguished.⁵⁷ Even so, if we postulate that religion is no longer funded *per se* and that the main objective of the policy is a kind of social cohesion, such numbers lose their importance⁵⁸ or, in other words, “religion can be financed for reasons that have nothing to do with religion”.⁵⁹ This is a key argument because, on this basis, the link with believers or affiliates can be challenged. If the policy towards religious and non-confessional communities is considered by the policymakers a sub-policy of social cohesion, the funding of religious and non-confessional communities can discriminate positively against one group or another. This has clearly been the case with the funding of the islamic faith (from a dual perspective of social cohesion and, more recently, public security) or, as one might hypothesise, of humanist organisations as a counterweight to religious organisations.⁶⁰

Other Policies

Humanist and religious organisations receive regular or one-time subsidies for a wide range of activities, including in social, cultural, youth, continuing education, and development cooperation fields. However, there is currently no comprehensive list of these subsidies and grants categorised by policy fields. The methodology introduced earlier could aid in creating such a map of public subsidies. To ensure objectivity, a comprehensive list of public policies that provide funding to religiously affiliated or humanist organisations should be compiled. For each policy, a list of beneficiaries should be included, along with their religious or secular humanist identity and their relationship with the representative body of the religious

⁵⁶ Based on regular surveys, for instance.

⁵⁷ Louis-Léon Christians, Michel Magits, Caroline Saegesser and Luc de Fleurquin, “La Réforme de La Législation Sur Les Cultes et Les Organisations Philosophiques Non Confessionnelles. Rapport Du Groupe de Travail Instauré Par Arrêté Royal Du 13 Mai 2009,” Rapport, 2010 and Rapport, 2011.

⁵⁸ See Husson, “Gouverner Les Cultes Par Les Finances Publiques?,” Caroline Sägesser, *Le Prix de Nos Valeurs. Financer Les Cultes et La Laïcité En Belgique*, Liberté, j’écris Ton Nom (Brussels: Espace de Liberté - Editions du CAL, 2010), 53–58.

⁵⁹ Rik Torfs, “Church Financing - towards a European Model,” in *Le Financement Des Religions Dans Les Pays de l’Union Européenne*, edited by Brigitte Basdevant-Gaudemet and Salvatore Berlingo (Leuven: Peeters, 2009), 349.

⁶⁰ Husson, “Gouverner Les Cultes Par Les Finances Publiques?,” 378–387.

or non-confessional communities.⁶¹ While this may fall outside the scope of our focus on 'pastoral support', such information could be valuable in understanding the state's expectations of these diverse communities and the power dynamics or opportunities they may have. As Niels De Nutte emphasises in the present volume, this approach also holds historical significance as non-pastoral activities have played a crucial role in the development of humanist associations in Belgium. This could also shed light on the various categories of humanist associations.

On Humanist Organisations' Positions

The *Centre d'Action Laïque* and *deMens.nu* do not call for the termination of public funding of religious and non-confessional organisations. The fact they receive substantial public funding is certainly a key explanation. Perhaps the vote of christian democratic parties in favour of the recognition and funding of humanist organisations – the law of 2002 – was an indirect way of preserving public funding for religions.⁶² This explains why some individuals and fringe secularist groups became vocal and opposed the recognition of the secular humanism, fearing that the objective of terminating of church funding would be abandoned. The debate was rather intense.⁶³ The so-called 'Galand-Mahoux bill' is illustrative of this evolution in the secular movement, no longer arguing for the end of funding (which would mean the end of funding for secular establishments) but calling for it to be objectified (as expressed by the CAL president, Philippe Grollet⁶⁴); it also confirmed that a system of 'separation' of church and state could be envisaged while maintaining public funding.

However, with that goal of objectivation, humanist organisations still question the share the Catholic Church receives and have promoted alternative funding schemes based on individual expression either through a 'vote' using the tax sheet or through a popular vote organised at the same time as elections.⁶⁵ Such a position

61 Some organisations having 'christian' in their name are completely independent of the Catholic Church – the *Mouvement Ouvrier Chrétien* is an interesting example. Similarly, the political party *Centre Démocrate Humaniste* had no relation at all with the CCL as it was the rebranded *Parti Social Chrétien*, the Christian Democratic Party in French-speaking Belgium.

62 Sägerser and Husson, "La Reconnaissance et Le Financement de La Laïcité (I)," 27.

63 Sägerser and Husson, "La Reconnaissance et Le Financement de La Laïcité (I)," 26–28; see De Nutte, "Une Belgique en faveur de la non-croyance organisée."

64 Jean-François Husson, ed., *Le Financement Des Cultes et de La Laïcité: Comparaison Internationale et Perspectives* (Namur: Les Editions Namuroises, 2005), 256–257.

65 Alexandre Piraux, "Le Financement Par l'Etat Fédéral Des Ministres Des Cultes et Des Délégués Du Conseil Central Laïque," *Pyramides* 13 (2007): 13–60.

remains a bit surprising. Indeed, the public funding of religions and humanist organisations has steadily declined in real terms over the years as a result of the continuous decline of the catholic share.⁶⁶ Furthermore, a fixed envelope of the personal income tax, as in Italy, would have meant a far higher level of support; indeed, the public funding of religious and humanist organisations for pastoral support represented only 0.77 percent of the revenue from personal income tax in 2000. If a mechanism similar to the Italian one had been then introduced with a budget based on that percentage, religious and non-confessional organisations could have received an additional €67 million in 2020.⁶⁷ Eventually, a popular vote on church finance organised at the same time as general elections may appear to run counter the aim of reducing the presence of religion in the public sphere because, on the one hand, religious and humanist organisations would undoubtedly express themselves widely in the public sphere (as shown by the communication campaigns of the churches in the context of the Italian *otto per mille*) and, on the other hand, certain parties would undoubtedly have taken a stance on the subject, especially if they consider some groups of believers to be part of their electoral targets.

Concluding Remarks

The Belgian case offers the opportunity to distinguish support to moral counselling and funding related to other policies, even if most often, associations are active in both fields. Considering the first one, even though Belgium has long been a predominantly religious (catholic) country, the funding system has proved able to adapt itself with the recognition of ‘new’ religions (e.g. islam) and secular humanism, despite delays and difficulties in both cases. The consociational democracy⁶⁸ existing in Belgium,⁶⁹ or the argument that funding humanism will make it difficult to challenge religious funding are possible explanations.

⁶⁶ The total amount has increased by a much smaller margin than the rate of inflation.

⁶⁷ See Husson, “Gouverner les cultes par les finances publiques?”

⁶⁸ Arend Lijphart, *Democracies in Plural Societies: A Comparative Exploration* (New Haven: Yale University Press, 1977); Arend Lijphart, “Introduction: The Belgian Example of Cultural Coexistence in Comparative Perspective,” in *Conflict and Coexistence in Belgium: The Dynamics of a Culturally Divided Society*, edited by Arend Lijphart (Berkeley: University of California, 1981).

⁶⁹ Despite a decline in the political field, it appears to be still actively present in various sectors, especially in the French-speaking part of the country. See Lynn Bruyère, Anne-Sophie Crosetti, Jean Faniel and Caroline Saegesser, eds., *Piliers, dépillarisation et clivage philosophique en Belgique* (Brussels: CRISP, 2019). Some instruments inherited from that configuration, such as the Cultural Pact of 1971, have also been important in the development of humanist and secularist associations. See De Nutte’s chapter in this volume.

Countries with no State Funding of Religions: France and the United Kingdom

To the best of our knowledge, detailed budgetary and tax data on the funding of humanist and religious organisations in these countries are not available. This would certainly be an interesting field for further research. Therefore, we will focus on the instruments and mention some amounts, although this list is far from exhaustive. Due to the similarities in funding schemes, this section briefly introduces the main humanist organisations in both countries. It presents the funding related to 'pastoral support' activities, comments on funding related to other policies, and questions some features of humanist organisations.

United Kingdom

Main Actors

According to the 2021 census, “[a]cross England and Wales, 46% of people identified as being christian, 37% said they had no religion, 6% identified as muslim, and 2% identified as hindu. Around 2% identified as being buddhist, sikh, jewish or of another religion”.⁷⁰ The Church of England is the established church in England, while the three other churches have been disestablished: the Church of Scotland, Church in Wales and Church of Ireland, all being members of the Anglican Communion. Other important denominations are the Roman Catholic Church and islam, while the religious landscape of Britain is quite diverse. These denominations are not officially recognised, other than indirectly through the granting of charitable status or the organisation of chaplaincies. For example, army chaplaincies include anglican, catholic and ‘non-conformist’ military chaplains on most bases, a civilian chaplain cares for buddhist, sikh, hindu and muslim soldiers,⁷¹ while the different christian denominations, judaism, islam, buddhism, hinduism, zoroastrianism, baha’i, jainism and sikhism, as well as christian science and rastafarianism, are present in a number of hospitals.⁷²

⁷⁰ “Constituency data: Religion, 2021 census,” accessed 6 February 2024, <https://commonslibrary.parliament.uk/constituency-data-religion/>.

⁷¹ “Royal Army Chaplains’ Department,” accessed 6 February 2024, <https://www.nam.ac.uk/explore/royal-army-chaplains-department>.

⁷² Alessandro Ferrari, “Les aumôneries hospitalières en Italie et au Royaume-Uni,” in *Assistance spirituelle dans les services publics : Situation française et éclairages européens*, edited by Anne Fornerod, Société, droit et religion (Strasbourg: Presses universitaires, 2012), 49–61.

The United Kingdom also has a diverse range of associations that have sometimes had cross-membership.⁷³ The British Humanist Association (BHA)⁷⁴ originated as the Ethical Union, which was formed in 1896, and became the BHA in 1967. Humanists UK is its current operating name. It has been a registered charity since 1928. Among its aims, it mentions the following: “We will maintain a network of celebrants to enable non-religious people to mark or celebrate significant moments in their lives and accredit humanist volunteers who can provide non-religious pastoral support to those who want it”.⁷⁵ A previous formulation was more explicit:

The BHA works to promote understanding of humanism and supports and represents the interests of the ever-growing number of people who have chosen to live their lives without religion yet who are concerned to live an ethical life. It provides non-religious funerals, weddings and baby naming; educational resources for teachers and students; and campaigns for an inclusive society with individual freedom of belief and speech, and for an end to religious discrimination and religious privilege in all its forms.⁷⁶

It has more than 70 local/regional branches as well as specific groups. Two other organisations are less ‘services oriented’ and more in a campaigning tone. The National Secular Society is campaigning under “challenging religious privilege”,⁷⁷ and receives no funds from the government. The Rationalist Association is “a charity whose aims are to promote reason and evidence-based understanding of life” through publications, public events, and fund-raising.⁷⁸

Pastoral Support and its Funding

As mentioned earlier, Humanists UK has developed a range of pastoral support activities (chaplancies, radio-TV broadcasts, etc.) and organises humanist marriages.⁷⁹ Even if the United Kingdom (with an established church in England) and France (with its *laïcité*) are often presented as the opposites in terms of church and state relations, they are very similar in terms of funding religious and hu-

73 For some background on humanism in the UK, see for instance David Nash, “Humanism in Britain,” in *Looking Back to Look Forward*, 95–113.

74 Humanists UK, accessed 5 February 2024, <http://www.humanism.org.uk>.

75 “Objectives,” Humanists UK, accessed 5 February 2024, <https://reachvolunteering.org.uk/org/humanists-uk>.

76 <http://www.humanism.org.uk/site/cms/contentChapterView.asp?chapter=341> (now a dead link).

77 National Secular Society, accessed 5 February 2024, <http://www.secularism.org.uk/>.

78 Rationalist Association, accessed 5 February 2024, <http://www.rationalist.org.uk/>.

79 “BHA BRIEFING 2010: EDM 667 Humanist Marriage,” accessed 5 February 2024, <https://humanists.uk/wp-content/uploads/BHABriefing2010-HumanistMarriageEDM667-FINAL.pdf>.

manist organisations. If we leave aside listed heritage buildings,⁸⁰ the funding schemes in both countries are mainly based on the following instruments.

Tax incentives for gifts and wills do exist in both countries. Various humanist organisations are charities in the UK and benefit from the existing schemes.⁸¹ For example, in 2021, out of £2.7 million incomes, the British Humanist Association received £1.37 million in donations and legacies, £1.30 million from charitable activities and £14,320 from government grants.⁸² This can be compared with the three most important charities of the Church of England as shown in Table 4.⁸³

Table 4: Main sources of income of the most important Church of England charities (in million GBP, 2022).

THE ARCHBISHOPS' COUNCIL	Donations and legacies	150.79
“Enabling, supporting, sustaining & advancing of the Church’s work: -worship, spiritual & numerical growth -engagement with social justice & environmental issues -work in education, lifelong learning & discipleship -selection, training and resourcing of people for public ministry & lay vocations -inherited fabric of buildings, to maintain & develop these for worship & community service.” (https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/3960374)	Charitable activities	2.29
	Investment income	0.15
	Total	153.23
CHURCH COMMISSIONERS FOR ENGLAND	Donations and legacies	1.24
“Promoting the mission and ministry of the Church of England especially by supporting poorer dioceses with ministry costs, providing funds to support mission activities, paying for bishops’ ministry and some cathedral costs, administering the legal framework for pastoral reorganisation and closed church buildings, paying clergy pensions for service prior to 1998 and running the clergy payroll.” (https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/5014683)	Investments	143.32
	Others	3.91
	Total	148.46

⁸⁰ Even if related funding is not without consequences on the respective shares of funding. See Frank Cranmer and Javier García Oliva, “The Cultural Heritage of Faith-Communities in the United Kingdom,” *Derecho y Religión* 5 (2010): 289–312.

⁸¹ “Tax relief when you donate to a charity,” United Kingdom Government, accessed 5 February 2024, <https://www.gov.uk/donating-to-charity>.

⁸² “British Humanist Association,” United Kingdom Government register of charities, accessed 4 February 2024, <https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/285987/financial-history>.

⁸³ A couple of charities linked to other churches also have an income exceeding £50 million.

Table 4 (continued)

PARISH GIVING SCHEME	Donations and legacies	0.00
“PGS’s principal activity is to provide the most efficient & effective way for people to financially support the activity of the Church of England locally. This is done through a regular giving scheme which collects donations through direct debit & makes the donation (including gift aid) available to be spent in a specified church/parish within 10 days.” (https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/5046355)	Charitable activities	75.88
	Total	75.88

Chaplaincies were traditionally a monopoly of faith-based organisations; however, humanist ‘chaplains’ and pastoral officers are now increasing in the National Health Service and in prisons, as well as in the armed forces:⁸⁴ “Chaplains or non-religious pastoral officers are Professionally Qualified Officers who deliver pastoral care, provide or facilitate spiritual support and give moral guidance to the whole force and their families irrespective of faith, world philosophy or status.”⁸⁵

Nowadays, broadcasts on public radio and television channels in both countries have opened up to humanist organisations as well as religious ones, even if religions remain dominant. In the UK, after the ‘The Unholy Mrs Knight’ affair of 1955,⁸⁶ a Humanist Broadcasting Council was set up in 1959, in consultation with the BBC.⁸⁷ Since 2009, humanists are represented alongside religions in the Standing Conference on Religion and Belief that liaises with the BBC “on matters of common concern to the BBC and religious groups and now, humanists”.⁸⁸ However, *Thought for the Day* on BBC Radio 4 is still restricted to religious groups, despite a campaign from Humanist UK to reverse this.⁸⁹

⁸⁴ “Equal access to pastoral support or chaplaincy,” Humanists UK, accessed February 5, 2024, <https://humanists.uk/campaigns/human-rights-and-equality/chaplaincy-and-pastoral-support/>.

⁸⁵ “At a glance,” United Kingdom Arme, accessed 6 February 2024, <https://jobs.army.mod.uk/roles/royal-army-chaplains-department/chaplain/>.

⁸⁶ Callum G. Brown, “‘The Unholy Mrs Knight’ and the BBC: Secular Humanism and the Threat to the ‘Christian Nation’, c.1945–60,” *The English Historical Review* 127, no. 525 (2012): 345–376.

⁸⁷ “Humanist Broadcasting Council,” Humanist Heritage Project, accessed 4 February 2024, <https://heritage.humanists.uk/humanist-broadcasting-council/>.

⁸⁸ “New body liaising with BBC to include humanists,” Humanists UK, accessed 4 February 2024, <https://humanists.uk/2009/04/20/news-267/>.

⁸⁹ “Let’s get humanists on ‘Thought for the Day’,” Humanists UK, accessed 4 February 2024, <https://humanists.uk/donate/thought-for-the-day/?desktop=1>.

Other Policies and Humanist Organisations' Positions

Increased funding in various social policy fields could be a marker for the withdrawal of the (welfare) state,⁹⁰ as exemplified in David Cameron's 'Big Society' project in Britain,⁹¹ relying on religious organisations to intervene more in social fields through faith-based initiatives. In 2022, 16 faith-based groups, which include christian, jewish and interfaith organisations, received £1.3 million from the Faith New Deal pilot scheme for projects including "providing debt and employability advice, tackling food poverty, providing support for mental health issues and combatting loneliness and isolation".⁹² Such a scheme is opposed by Humanists UK,⁹³ which also opposes the greater presence of religious institutions in the educational system.⁹⁴

France

Main Actors

Although the law of 1905 states that France does not officially recognise any religion, in reality an informal hierarchy exists based on public funding for the listed buildings and the maintenance of places of worship,⁹⁵ special status through local

90 Henry Noguès, "Quand les associations remplacent l'État?," *Revue française d'Administration publique* 163, no. 3 (2017), <https://doi.org/10.3917/recma.349.0119>.

91 David Cameron, "Le vent nouveau de la Big Society," *Le Monde diplomatique*, 1 June 2017.

92 "16 faith groups to share £1.3 million 'New Deal' fund to help support communities," United Kingdom Government, accessed 6 February 2024, <https://www.gov.uk/government/news/16-faith-groups-to-share-13-million-new-deal-fund-to-help-support-communities>.

93 "Government announces more than £2 million in funding enabling religious take-over of yet more schools," Humanists UK, accessed 5 February 2024, <https://humanists.uk/2021/04/29/government-announces-more-than-2-million-in-funding-enabling-religious-take-over-of-yet-more-schools/>.

94 "CDfE bows to churches' demands for privilege and protection in face of full academisation," Humanists UK, accessed 5 February 2024, <https://humanists.uk/2016/04/19/dfe-bows-to-churches-demands-for-privilege-and-protection-in-face-of-full-academisation/>.

95 Francis Messner, Pierre-Henri Prélôt and Jean-Marie Woerhrling, *Traité de Droit Français Des Religions* (Paris: Editions du Juris-Classeur, 2003), 912–915; "Les collectivités territoriales et le financement des lieux de culte," French senate, accessed 6 February 2024, <https://www.senat.fr/rap/r14-345/r14-3457.html>.

laws (as in Alsace-Moselle⁹⁶ or Mayotte⁹⁷), on chaplaincies⁹⁸ and invitations to attend high-level meetings with the president or members of the government.⁹⁹ Table 5 provides a summary of these arrangements. In addition, CAVIMAC is a special social insurance programme available to 'ministers of religion' from a wide range of denominations.¹⁰⁰

Table 5: Any hierarchy among religions in France?

Local status, chaplaincies, high-level meetings and pre-1905 buildings maintained by public grants + listed/heritage buildings	catholicism
Local status, chaplaincies, high-level meetings + listed/heritage buildings	protestantism, judaism islam
Chaplaincies in most sectors, high-level meetings	orthodox christianity
Chaplaincies in some sectors, high-level meetings	buddhism ¹⁰¹
Chaplaincies in some sectors	jehovah's witnesses ¹⁰²

If we keep the humanist term for associations providing 'pastoral support', it could be considered that none exist in France. When considering membership of international humanist organisations, the situation remains uncertain. *Ligue de l'Enseigne-*

⁹⁶ Messner, Prélot and Woerhrling, *Traité de Droit Français Des Religions*, 783–852.

⁹⁷ Mathilde Philip-Gay, "Valeurs de la République et islam à Mayotte," *Revue du droit des religions*, no. 6 (2018): 59–76.

⁹⁸ Axel Gougelet, "Les 'soldats de Dieu'. Quelle place pour les aumôniers militaires?," *Inflexions* 29, no. 2 (2015): 133–39; Messner, Prélot and Woerhrling, *Traité de Droit Français Des Religions*, 455–461.

⁹⁹ As examples: "Rencontre avec les représentants des cultes," French government, accessed 6 February 2024, <https://www.gouvernement.fr/note-aux-redactions/11881-rencontre-avec-les-representants-des-cultes>; "Antisémitisme: les représentants des cultes reçus par Emmanuel Macron," *Le point*, accessed 6 February 2024, https://www.lepoint.fr/politique/antisemitisme-les-representants-des-cultes-recus-par-emmanuel-macron-13-11-2023-2542831_20.php.

¹⁰⁰ See "Au cas par cas," Cavimac, accessed 6 February 2024, https://www.cavimac.fr/vos_cotisations_au_cas_par_cas.html.

¹⁰¹ As in prisons. See "Commission d'enquête sur les dysfonctionnements et manquements de la politique pénitentiaire française," Assemblée nationale, accessed 6 February 2024, https://www.assemblee-nationale.fr/dyn/15/comptes-rendus/cepolpenit/115cepolpenit2122030_compte-rendu.

¹⁰² *Ibidem*.

ment (est. 1866; 2.2 million members),¹⁰³ *Union des Familles Laïques* (UFAL),¹⁰⁴ *Union Rationaliste* (UR, est. 1930)¹⁰⁵ were members of the *Fédération Humaniste Européenne* (FHE). However, no French organisation appears on the website of Humanists International (HI) as of February 2024; *Union des Athées* (est. 1970)¹⁰⁶ was previously mentioned but not anymore. Ultimately, should *laïque* counts for humanist, France would then count numerous humanist organisations. *Comité Laïcité République*,¹⁰⁷ *Fédération nationale de la Libre Pensée*,¹⁰⁸ *Comité national d'action laïque* (CNAL, est. 1953)¹⁰⁹ and *Conseil National des Associations familiales laïques*¹¹⁰ (CNAFAL) are worthy of mention. They are very diverse in their relationship with the public authorities, type and sector of activities, attitude towards religions and their institutions. The defence of education laws of Jules Ferry and of the 1905 law that introduced *laïcité* in France is a key issue that links all these fields of activities, despite some nuances, especially towards islam.

Pastoral Support and its Funding

In France, as the state is supposed to incarnate *laïcité*, a *laïque* marriage is a ceremony conducted by the mayor. Some services offer a complementary *laïque* celebration but appear to be independent from traditional *laïque* organisations.¹¹¹ Indeed, while Humanists UK provides a range of pastoral support offerings, no French organisation appears to provide this kind of services. However, some 20 years ago, the ‘Stasi report’, largely known because of its reflection on Islam in France, underlined that France counts an important number of atheists, agnostics, and freethinkers, while religious practice has declined. It also proposed recognition of freethinking and rationalist humanism as *option spirituelle à part entière* (‘full-featured spiritual

103 La ligue de l'enseignement, accessed 4 February 2024, <http://www.laligue.org/ligue/index.html>.

104 Union des familles laïques, accessed 4 February 2024, <http://www.ufal.org/>.

105 Union rationaliste, accessed 4 February 2024, <http://www.union-rationaliste.org>.

106 Union de Athées, accessed 4 February 2024, <http://atunion.free.fr/>.

107 Comité Laïcité République, accessed 4 February 2024, <http://www.laicite-republique.org>.

108 Fédération nationale de la libre pensée, accessed 4 February 2024, <https://www.fnlp.fr/>.

109 <https://www.cnal.info/>; the *Ligue de l'Enseignement* is a member.

110 Comité national d'action laïque, accessed 4 February 2024, <https://www.cnal.info/>. the *Ligue de l'Enseignement* is a member.

111 “Cérémonie laïque en France,” accessed 5 February 2024, <https://www.ceremonie-laique.fr/france/>.

option'). It suggested some TV broadcasting time, a presence in the various ethics committees and, more generally, an equal treatment for all life stances, notably in fiscal terms.¹¹²

As already mentioned, funding instruments for religious and humanist organisations are quite similar to those that exist in the UK.

- Tax incentives for gifts and wills exist in France as well. Some secularist or humanist associations (such as the *Ligue de l'Enseignement*) are recognised as being of 'public interest', which leads to some fiscal advantages in respect of donations¹¹³ and legacies¹¹⁴ they receive. However, religious groups' *associations cultuelles* ('associations of worship') benefit from a higher tax incentive.
- As mentioned earlier, chaplaincies are restricted to religious organisations. However, France has recently shown an informal interest in humanist counselling within the armed forces.
- As to broadcasts on public radio and television channels, French radio has a regular broadcast for freethinkers and freemasons.¹¹⁵

Other Policies and Humanist Organisations' Positions

As regards faith-based communities, humanist organisations may benefit from specific grants due to the nature of their activities. In 2011,¹¹⁶ various organisa-

112 "Les grandes religions bénéficient d'une retransmission télévisée régulière. Il paraît opportun de proposer au courant libre penseur un créneau horaire équivalent, à l'instar de la pratique courante en Belgique. De même, il serait souhaitable que ce courant soit représenté dans les différents comités d'éthique. Plus généralement, il faut veiller à ce que soient traitées de manière égale toutes les familles spirituelles, notamment sur le plan fiscal," Stasi, B. (2003) *Commission de réflexion sur l'application du principe de laïcité dans la République : Rapport au Président de la République*, Présidence de la République, 16 and 63. See <https://www.vie-publique.fr/rapport/26626-commission-de-reflexion-sur-application-du-principe-de-laicite>.

113 "Dons aux associations: à quelle réduction d'impôt avez-vous droit?," accessed 5 February 2024, <https://www.economie.gouv.fr/particuliers/prelevement-a-la-source-reductions-fiscales-dons-associations#>.

114 "Dons, donations et legs au bénéfice d'une association," accessed 5 February 2024, <https://www.service-public.fr/particuliers/vosdroits/F2722>.

115 "Divers aspects de la pensée contemporaine - Emission confiée en alternance aux différentes obédiences maçonniques et de libre pensée," accessed 5 February 2024, <https://www.radiofrance.fr/franceculture/podcasts/divers-aspects-de-la-pensee-contemporaine>.

116 "Associations: à qui profitent les subventions?," accessed 5 February 2024, https://www.lemonde.fr/politique/visuel/2013/07/01/associations-a-qui-profitent-les-subventions_3430228_823448.html.

tions described as *laïques* received €5.2 million in grants from the French authorities; for instance, the *Conseil national des associations familiales laïques* received €151,908 and the *Union des Familles Laïques* €9,100.¹¹⁷ In addition, the *Ligue de l'Enseignement* and its regional organisations received €24.9 million, not to mention local subsidies and the cost of teachers working for the *Ligue* who are directly paid by the Ministry of Education.¹¹⁸ Comprehensive research could utilise this data to create a corpus for comparing public funding of secular organisations with those linked to religious communities in relevant areas of public policy.¹¹⁹ This would highlight the roles assigned to, or expected from, these humanist and religious associations in a secular state where the role of public services has traditionally been central.

Secularist associations, such as the UFAL, calling for the abolition of the Concordate in Alsace-Moselle, oppose funding of faith-based communities.¹²⁰ In December 2005, the *Fédération nationale de la Libre Pensée* listed and spoke out against various kinds of subsidies to faith institutions, ranging from financing maintenance works to a church to private schools and faith-linked kindergartens.¹²¹ Some French secular organisations oppose any financing for faith-linked buildings or organisations, while others have a more 'open' position, based on a strict application of the laws (including the law of 1905). For example, chaplaincies are legally based on the law of 1905. They receive limited criticism from humanist organisations, with the exception of those in educational establishments, which face greater opposition. Secular organisations also oppose a greater weight of religious institutions in the educational system.¹²²

117 *Confédération Nationale des associations familiales catholiques* and protestant family associations are financed on the same legal basis.

118 628 in 1999. At the time, a total budget of €381 million is also mentioned. See "Audition de M. Pierre Tournemire, secrétaire général adjoint de la ligue française de l'enseignement et de l'éducation permanente," Sénat, 10 March 1999, <https://www.senat.fr/rap/r98-3282/r98-328228.html>.

119 Starting in 1980, the year before the Presidency of François Mitterrand would be an interesting landmark.

120 "Propositions pour l'application de la loi de 1905 en Alsace-Moselle," accessed 5 February 2024, https://www.ufal.org/wp-content/uploads/2015/05/rapport_col_als_moselle.pdf.

121 http://librepenseefrance.ouvaton.org/actions/com_presse_28_08_2006.htm (dead link).

122 See for instance a recent press release of the *Fédération nationale de la Libre Pensée* on an agreement between the French government and the Catholic Education Network: <https://www.fnlp.fr/2023/06/03/deux-attaques-de-plus-dans-la-dislocation-et-la-destruction-de-lenseignement-public/>.

Concluding Remarks

French secular organisations are very diverse and cover a wide range in terms of objectives and positions. The only public support for these organisations is through associative mechanisms rather than on the same footing as the formerly recognised religions or islam. Regarding the Republic's *laïcité*, it could be considered somewhat incoherent to recognise humanism on the same lines as religions, as religions are officially neither recognised nor subsidised. However, the part of the Stasi report arguing for a greater equality between life stances has, apparently, received far less attention than the main part of it, devoted to islam.

In Britain, Humanists UK take the role of a service provider, while others act as pressure group organisations, to refer to the associations' typology mentioned earlier. However, religions have more privileges and advantages, in institutional terms (such as the bishops in the House of Lords) and in public funding (just to mention the chaplaincies). The main line of Humanists UK may be to end "the privileged position of religion – and christianity in particular – in various fields, law, education, broadcasting"¹²³ but also to position itself to receive a fair public funding for its own pastoral support activities. In comparison, the very priority of the NSS is to disestablish the Church of England and to promote a secular democracy, not to provide humanist counselling as such.¹²⁴

Regarding public funding, it is worth noting that France, with its *laïcité*, and England, with its established church, have very similar funding schemes.

Countries with a Funding Scheme based on Individual Choices: Germany and Italy

Germany and Italy share a system of funding of religion based on individual votes through the 'tax form'. However, the two systems are very different. In Germany, the *Kirchensteuer* is an ecclesiastical tax, usually at 8 to 9 percent, levied by the employer according to the religious affiliation and salary of the employee. The decision to no longer pay this tax results in lower tax but is considered as an 'exit' from the church. In Italy, 0.8 percent (*otto per mille*) of the personal income

¹²³ <http://www.humanism.org.uk/site/cms/contentChapterView.asp?chapter=333> (dead link)

¹²⁴ "Disestablish the Church of England," National Secular Society, accessed 5 February 2024, <https://www.secularism.org.uk/disestablishment/>.

tax is allocated to religious organisations following a 'fiscal vote'; leaving a church does not result in a lower tax bill.

International comparisons can be difficult unless clear perimeters/scopes are defined due to the beneficiaries' significant autonomy in using the revenue, including for social and cultural activities. This makes it challenging to distinguish between pastoral support and other activities, unlike in Belgium, for example.

Germany

Main Actors

To levy the church tax or *Kirchensteuer*, a denomination must be recognised as *Körperschaft des öffentlichen Rechts* ('Corporation under Public Law'). Recognition occurs at the *Länder* level. There are protestant, roman catholic, old catholic, and jewish corporations, as well as humanist ones in some *Länder*. However, this does not apply to muslim communities, leading to some sensitive debates.¹²⁵

The different types of secular and humanist associations mentioned previously could be illustrated by the differences between the *Humanistischer Verband Deutschlands* (HVD) and the *Giordano Bruno Stiftung* (GBS), a foundation created in 2004, that Schröder considers, "as different 'modes of non-religion'".¹²⁶

The HVD offers social and cultural services, receiving financial support from the state. The GBS promotes its enlightenment project through campaigns and publications without any state support. It calls for a laicist state instead. The HVD aims to offer a non-religious alternative to religion and campaigns for the same status as religious communities. The GBS also seeks to establish an alternative to religion, however, not side by side with religious communities, but as a replacement of them.¹²⁷

Further developments in this subsection will be based on Schröder's research on these organisations;¹²⁸ his starting point is different from ours but public funding is a common point of interest.

125 "Ich sehe Gefahr bei der Finanzierung," Mitmischen, accessed 6 February 2024, <https://www.mitmischen.de/archiv/ich-sehe-gefahr-bei-der-finanzierung>; "Lösung der Probleme durch Verleihung der Körperschaftsrechte?," accessed 6 February 2024, <https://library.fes.de/fulltext/asfo/01003006.htm>.

126 Schröder, "Organized New Atheism in Germany?," 35.

127 Schröder, "Organized New Atheism in Germany?," 44.

128 Schröder, "Organized New Atheism in Germany?," 44; see Schröder, "Humanist Organizations and Secularization in Germany."

Pastoral Support and its Funding

Organisations eligible for the status of *Körperschaft des öffentlichen Rechts* ('Corporation under Public Law') benefit from certain privileges, including the benefit of the *Kirchensteuer*, the church tax levied by German tax services.¹²⁹ In 2022, the Catholic Church received €6.85 billion and the Protestant Church, €6.24 billion.¹³⁰ This main funding instrument is complemented by some specific grants and expenditures, such as to the Jewish community or for the chaplaincies.

HVD, created in 1993, has gained the same status in five *Länder* (Lower Saxony, Baden-Wuerttemberg, Hesse, North Rhine-Westphalia and Berlin-Brandenburg), meaning that "[I]legally, the association is treated in the same way as religious communities are".¹³¹ However, the HVD does not use this option to levy such a tax and prefer a direct payment to the organisation by those wishing to do so.¹³² In the 1970s, the HVD in Lower Saxony also obtained annual state subsidies (DM100,000) for broadcasting on public channels and the implementation of *Werte und Normen*, a non-confessional alternative to religious education.¹³³

Services equivalent to the chaplaincies appear quite limited, except in the institutions run directly by HVD. Attempts and proposals to go ahead in sectors such as hospitals, prisons and the armed forces face many legal and other obstacles.¹³⁴

Other Policies and Secular/Humanist Organisations' Positions

The activities of the main branch of the HVD, the one of Berlin-Brandenburg, is quite illustrative as it offers a range of social and educational services:¹³⁵

- Providing an alternative to religious education through *Humanistische Lebenskunde* ('Humanist Life Education') attended by more than 50,000 pupils in state schools;

¹²⁹ For a detailed explanation of its technicalities, see "Kirchensteuer," *Steuernetz*, accessed 6 February 2024, <https://www.steuernetz.de/lexikon/kirchensteuer>.

¹³⁰ "Einnahmen der Katholischen und Evangelischen Kirche in Deutschland durch die Kirchensteuer von 2004 bis 2022," *statista*, accessed 6 February 2024, <https://de.statista.com/statistik/daten/studie/12520/umfrage/kirchensteuer-einnahmen-in-deutschland/>.

¹³¹ See Schröder, "Organized New Atheism in Germany?"

¹³² See, for instance, "Verbandssteuer ohne die Haken der Kirchensteuer", *Humanistischer Verband Deutschlands Niedersachsen*, accessed 5 February 2024, <https://www.hvd-niedersachsen.de/verbandsteuer-und-kirchensteuer-im-vergleich.html>.

¹³³ See Schröder, "Humanist Organizations and Secularization in Germany."

¹³⁴ Lauke, "Opportunities and Challenges for Humanist Counselling in Berlin," 25–29.

¹³⁵ Schröder, "Organized New Atheism in Germany?," 39–40.

- Acting as social agency for a college of education, for several hospices, and for welfare, counselling, youth and family centres;
- Setting up cultural programmes like concerts or literary readings;
- Celebrating rites of passage for young children and ceremonies for youth initiation, weddings and funerals.

These activities are funded by an annual budget of around €50 million, mainly from the Berlin regional government. This range of activities and funding is what the HVD would like to achieve through all its state associations, most of which are smaller and have fewer resources. They therefore demand equal treatment, as has already been achieved in some areas such as pre-school education. The HVD also calls for humanist chairs at state universities, analogous to those for christian theology, for example.¹³⁶ Other regional branches of HVD also offer a range of such activities, notably in Lower Saxony and Baden-Wuerttemberg, running social services and sometimes elementary schools.¹³⁷

On Humanist Organisations' Activities and Positions

As in the British example, while the GBS is comparable to a 'lobbying' association and closer to 'new atheism' than HVD to refer to the two typologies mentioned previously, HVD calls for equal treatment with the churches with reference to the guarantees of religious neutrality within the German Constitution (*Grundgesetz*), as the Belgian humanists have done previously and as Humanists UK struggles to in the present.

Pursuing its quest for equality, HVD strives to have its own subject at public schools, departments in state universities, the right to establish private schools and preschools, hospices and family centres.¹³⁸ This is not without consequences for its practices and organisation: the church-imitating practice and organisational structure of the HVD shows its incorporation into the above-mentioned religio-political arrangements, which lead to a convergence of religious and secular players in the field and, thus, to similarities in terms of organisational structures and practices between churches, other religious communities, and non-religious organisations.¹³⁹

136 Stefan Schröder, "Dialog Der Weltanschauungen? Der Humanistische Verband Deutschlands Als Akteur Im Interreligiösen Dialoggeschehen," in *Säkularität in Religionswissenschaftlicher Perspektive*, edited by Peter Antes and Steffen Führding (Göttingen: V & R Unipress, 2013), 170–174.

137 Schröder, "Humanist Organizations and Secularization in Germany," 25–26.

138 Schröder, "Humanist Organizations and Secularization in Germany," 27–28.

139 Schröder, "Humanist Organizations and Secularization in Germany," 27–28.

Italy

Main Actors

Alongside the heavyweight Catholic Church, various Protestant denominations and the Union of Italian Jewish Communities have signed agreements with the state and are beneficiaries of the *otto per mille*.¹⁴⁰ In recent years, orthodox Christians, Buddhists and Hindus have also joined the system (see Table 6). As for the chaplaincies, in most sectors the only permanent one is the catholic one, the others only having access to the patients or individuals.¹⁴¹

The *Unione degli Atei e degli Agnostici Razionalisti* (UAAR) was a member of the European Humanist Federation and is the only Italian member of Humanists International to be mentioned. It is both a campaigning and a service association. Its main campaigning activities include:¹⁴²

- lobbying for taxpayers to vote for the state and not the churches in the *otto per mille* scheme,¹⁴³ with a longer-term goal of ending the public funding of religions;¹⁴⁴ the UAAR did not apply to be included in the *otto per mille*;
- promoting 'exits' from the church and "erasing the civil effects of baptism";¹⁴⁵
- against religious education at schools.

However, it also organises some secular humanist ceremonies,¹⁴⁶ and offers some local alternatives to catholic religious education in schools.¹⁴⁷ There are a few other, much smaller, secular/humanist associations (see below).

140 Rombo Astorri, "Le Financement Des Confessions Religieuses En Italie," in *Le Financement Des Religions Dans Les Pays de l'Union Européenne*, edited by Brigitte Basdevant-Gaudemet and Salvatore Berlingo (Leuven: Peeters, 2009), 223–233.

141 See Ferrari, "Les aumôneries hospitalières en Italie et au Royaume-Uni."

142 "Campagne," Unione degli atei e degli agnostici razionalisti (UAAR), accessed 5 February 2024, <https://www.uaar.it/uaar/campagne/>.

143 "Otto per mille: attenti a quella firma," UAAR, accessed 5 February 2024, https://www.uaar.it/uaar/ateo/archivio/2001_2_art3.html/.

144 "I costi della chiesa," UAAR, accessed 5 February 2024, <https://www.icostidellachiesa.it/>.

145 "Sbattezzo," UAAR, accessed 5 February 2024, <https://www.uaar.it/laicita/sbattezzo/>.

146 "Cerimonie laico-umaniste," UAAR, accessed 5 February 2024, <https://www.uaar.it/node/2008/>.

147 "Progetto ora alternativa," UAAR, accessed 5 February 2024, <https://www.uaar.it/uaar/campagne/progetto-ora-alternativa/>.

Pastoral Support and its Funding

In Italy, religious communities that have signed an agreement with the state can benefit from the *otto per mille*, i.e. 0.8 percent of income tax revenue, which is distributed according to the choice of the taxpayer. Basically, through this system, each taxpayer can ‘vote’ for a religious community, for the state or abstain. If he or she abstains, his or her vote will be distributed among the religious communities according to the votes expressed in their favour, unless they refuse to receive this ‘second round’ of votes for theological reasons. Humanist organisations are not part of this system and campaign for a vote for the state (which has increased over the years). In 2023, €1,412 million were distributed according to the choices expressed in 2019 by 16.8 million out of 41.5 million tax documents; 13 million ‘votes’ were cast in favour of faith communities (including Buddhism and Hinduism) and 3.8 million for the state (see Table 6).

This is a part of the funding received by the churches, the total amounts of which are under debate – an issue that comprises various aspects, including methodological ones related to the scope being considered. The UAAR has developed a website to collect data and estimates the cost of the Catholic Church to €6,749 million,¹⁴⁸ including 1,250 million for Catholic religious education in schools, 972 million as grants from the state and municipalities to Catholic schools and universities as well as chaplaincies, expenses for the Vatican and some pensions. This confirms the value of defining comparable scope when comparing national systems.

Other Policies and Secular/Humanist Organisations’ Positions

Humanist organisations receive government grants through another funding instrument, the *cinque per mille*. It works in much the same way as the *otto per mille* in that it is a percentage of income tax revenue, distributed according to the choices of the taxpayer. However, it is not (directly) related to religions as the possible categories of beneficiaries are third sector and nonprofit organisations, scientific and health research, municipal activities, amateur sports associations, protection, promotion and enhancement of cultural and landscape heritage.¹⁴⁹

¹⁴⁸ The UAAR has developed a website trying to reach estimates: “I costi della chiesa”.

¹⁴⁹ “Elenco complessivo dei beneficiari,” Agenzia entrate, accessed 5 February 2024, <https://www.agenziaentrate.gov.it/portale/elenco-complessivo-degli-enti-ammessi-in-una-o-piu-categorie-di-beneficiari>.

Table 6: Income distributed through the otto per mille scheme¹⁵⁰ – from 2004/2008 to 2019/2023.

Beneficiary	2004 income distributed in 2008				2019 income distributed in 2023			
	Valid choices expressed	Percentage of taxpayers/ percentage of choices expressed ¹⁵¹	Amounts (EUR)	Amounts expressed as a percentage	Valid choices expressed	Percentage of taxpayers/ percentage of choices expressed	Amounts (EUR)	Amounts expressed as a percentage
State	1,259,425	3.14 7.60	99,956,287	8.94	3,805,519	9.16 22.63	330,392,545	23.39
Catholic Church	14,894,293	37.15 89.82	1,002,513,715	90.00	12,064,379	29.05 71.73	1,002,916,591	71.00
Protestant and evangelical denominations	367,074	0.92 2.21	12,140,198	1.09	605,585	1.46 3.60	49,686,905	4.00
Union of Italian Jewish Communities	60,920	0.15 0.37	3,824,257	0.34	52,958	0.13 0.31	4,491,980	0.32

¹⁵⁰ Totals based on “Ripartizione del gettito derivante dall’otto per mille dell’IRPEF,” Dipartimento delle Finanze, accessed 5 February 2024, https://www1.finanze.gov.it/finanze/stat_8xMilleSerie/public/index.php?&req_classe=01.

¹⁵¹ Percent of choices related to the number of tax documents/percent of choices without the abstentions.

Orthodox Archdiocese	-	-	-	39,337	0.10 0.23	3,332,759	0.24
Buddhists (incl. Sokka Gakkai)	-	-	-	229,372	0.55 1.37	19,851,652	1.40
Hindus	-	-	-	21,361	0.05 0.13	1,883,733	0.13
Total	16,581,712	41.00 100.00	1,118,434,457	16,818,511	41.00 100.00	1,412,556,164	100.00

In 2022, the *Unione degli Atei e degli Agnostici Razionalisti*¹⁵² received €111,850 from the *cinque per mille* funding instrument and 18,580 from liberalities out of €351,791 of activities-related incomes.¹⁵³ Other organisations, such as *Laicalità*, which is in favour of an alternative to catholic religious education, also received funding from the *cinque per mille*, albeit a much smaller amount (€607).¹⁵⁴ According to the UAAR website,¹⁵⁵ catholic associations in these sectors (voluntary organisations, scientific research, health research and amateur sports associations) receive €54.5 million through the *cinque per mille*. law. These are part of the estimated total mentioned above, but these fund activities are apparently quite different from the UAAR ones, such as continuing education and social activities, underlining once again the importance of having a consistent scope in all comparisons.

Concluding remarks

Despite often being considered together in international typologies of church-state systems, Germany and Italy have in fact quite different systems. What these systems have in common is that they are based on the aggregation of individual choices made by taxpayers rather than on an allocation decision made by the government.

These cases confirm earlier observations about differences due to national situations (humanism is sometimes considered to have a status rather similar to that of the churches in Germany but not in Italy), and this has led to different approaches among humanist organisations: on the one hand, developing counselling services and advocating equal treatment as equivalent religious services; on the other hand, sticking to a more secularist, possibly laicist tone, often without public support.

152 The UAAR was a member of the European Humanist Federation and is the only Italian member of Humanist International mentioned.

153 “Contributo del 5 per mille 2022,” Agenzia entrate, accessed 5 February 2024, <https://www.agenziaentrate.gov.it/portale/web/guest/contributo-del-5-per-mille-2022>.

154 “Cinque per mille,” UAAR, accessed 5 February 2024, <https://www.icostidellachiesa.it/cinque-per-mille/>.

155 As an example, see the grants to non-Catholic denominations in Luxembourg in Francis Messner, Jean-François Husson and Caroline Sägesser, *Rapport Du Groupe d'experts Chargé de Réfléchir à l'évolution Des Relations Entre Les Pouvoirs Publics et Les Communautés Religieuses Ou Philosophiques Au Grand-Duché de Luxembourg* (Luxembourg: Ministère d'Etat - Département des Cultes, 2012).

Conclusions

Table 7 summarises our main observations in relation to our five initial questions.

The analysis of budgetary and fiscal instruments raised a number of methodological issues. The first of these concerns the scope of the activities whose funding is to be examined. This has led us to retain the term 'pastoral support', although this is open to debate, and to identify the public funding instruments of this policy and estimate relative amounts. For the reasons we explained, this may include instruments contributing to fund representative bodies, ministers of religion and humanist staff, the construction and maintenance of places of worship and buildings assigned to humanist pastoral support, current expenditures of places of worship and humanist pastoral services, chaplaincies, broadcasts on radio and television.

Several problems were encountered: identifying instruments can be challenging, especially when attempting to identify all amounts allotted in the whole spectrum of public policies. It is easier to identify instruments when considering pastoral support, highlighting the importance of a coherent perimeter. However, discretionary grants that are not enshrined in law can be particularly difficult to identify.¹⁵⁶

It is important to note that identifying instruments does not necessarily provide an estimate of the amount. As in the Belgian case, budget expenditures should be clear, even if sometimes the mentions in the budget are not. Italy and Germany have a 'tax vote' system that provides some transparency, although some specific grants or expenditures are more discreet. However, in countries where funding is mainly based on tax-incentivised donations, such as France and England, it may be difficult to identify the amounts involved.

Additionally, compiling a comprehensive corpus of such funding, including all beneficiaries and within a specific time frame is a challenging task. This is evident from our extensive research spanning from 1990 to 2020, as well as the one-off efforts made by *Le Monde* (regarding funding for associations) and UAAR (regarding funding for the Catholic Church).

Just as religious organisations may engage in social or cultural activities, so do humanist organisations and many of their local and sectoral associations. Belgium is unique in that the law separates the two roles, with humanist establishments responsible for pastoral care and local and sectoral humanist associations responsible for other roles. In contrast, in Germany and Italy, funding is not lim-

¹⁵⁶ See Husson, "Gouverner Les Cultes Par Les Finances Publiques?."

Table 7: Comparison between the five national contexts.

	Belgium	France	United Kingdom	Germany	Italy
Are humanist organisations recognised by civil authorities?	Yes	Not in pastoral support	Yes, but with a different status from that of religions	Yes	Not in pastoral support
Do they receive any public funding?	Yes	Not in pastoral support	Yes (limited)	Yes	Not in pastoral support
Is this funding scheme comparable to that of faith communities?	Yes	No	Charities: yes Other services: variable	No	No
What criteria are used to distribute public funding among organisations?	Local establishments of the religious or humanist organisations	Not applicable	Mainly through gifts and legacies to charities, with tax incentives	Request of grants linked to activities	'Tax vote' in the <i>cinque per mille</i> scheme vs 'tax vote' in the <i>otto per mille</i> scheme for churches
Does receiving public funding affect an association's stance on public funding for churches?	Yes	No	Not really	Yes	No

ited to pastoral care, so both religious and humanist organisations can use it for various activities. This underlines how crucial the question of the perimeter is.

A second set of considerations concerns the funding mechanisms for religions. Firstly, these mechanisms vary greatly from one country to another. There are three kinds of main public resources allocation schemes: liberalities (choices made by individuals, with no global view as no data is published, and with tax incentives), individual choices in a form of 'fiscal vote' that are aggregated and have transparency as regards the amounts allotted, or allocation by the (possibly multi-level) government. It is interesting to note that French *laïcité* and the English established church, which are typically viewed as opposite ends of the spectrum of church and state systems, are based on very similar instruments. Secondly, among the five countries under review, only in Belgium do humanist organisations have unrestricted access to all funding instruments originally intended for religious pastoral support. This legal position and public funding were achieved after decades of humanist struggle. Although humanist organisations in Germany could request the 'church tax', they choose not to have recourse to it. In the UK, Humanists UK will gradually have access to the same funding schemes as other charities and chaplaincies. Ultimately, it is worth noting that disparities among religions exist in most of the countries we have studied, including Belgium and Germany, which appear to have fewer differences.

When considering pastoral support, the argument is that non-religious individuals, including agnostics, atheists and those who are indifferent, are entitled to receive it, just as believers might benefit from support from a religious minister. If there is a strong case for the public funding of pastoral support, it should include humanist services. This raises an interesting research question: how to estimate the demand for pastoral support for religious and humanist organisations in order to achieve greater objectivity in public funding distribution. Several proposals have been made in Belgium.¹⁵⁷

Our chapter has confirmed the classification identified by Schröder: to put it simply, on the one hand some humanist organisations provide pastoral support and seek public funding for it; on the other hand some secular (or secularist) organisations campaign against church funding and seek public funding for it, while others prefer to abstain in order to maintain their independence.

As presented, some humanist organisations have a clear pastoral role in Belgium, the United Kingdom and Germany. However, being 'in the mould' of the

¹⁵⁷ Christians, "La Réforme de La Législation Sur Les Cultes et Les Organisations Philosophiques Non Confessionnelles. Note Additionnelle Du Groupe de Travail Instauré Par Arrêté Royal Du 13 Mai 2009.,"; see also the survey of prisoners in 2000/2001 in Husson, "Gouverner Les Cultes Par Les Finances Publiques?," 327–329.

funding scheme, has led to the acceptance of public funding for churches, while still demanding more objectivity in the way the money is distributed. However, some secular (or secularist) organisations oppose state funding of religions. In France, secular circles have traditionally called for an end to the funding of churches, a result achieved by the 1905 law, despite certain exceptions that are still being fought. In Italy, the UAAR challenges the *otto per mille* system and advocates for churches to be financed by their members. They also propose a 'tax vote' in favour of the state in the *otto per mille*, following a similar logic.

This confirms the need for further research on humanist organisations and their funding. A methodology based on budgetary and tax instruments may be used to analyse a larger perimeter of policies and their funding.

Niels De Nutte

Accomodationism as a Battlefield? The Local ‘Recognition’ and Funding Secular Humanists in Flanders in the 1970s

Introduction

What choices do seculars make and what can their effect on the governance framework of the place they inhabit be? Or does that same framework, instead, inform seculars’ choices? This chapter looks at one specific form of seculars, namely Belgian *vrijzinnigen* or *laïques*. These identifiers are colloquially translated – though some connotations are lost in this translation – as secular humanists. I shed light on some municipalities where secular humanist chapters successfully negotiated recognition, i.e. local granting of financial support, in some form or another by the late 1970s. As these chapters are all located in Flanders, the Dutch-speaking part of Belgium, I will refer to them as *vrijzinnigen* or *vrijzinnig humanisten*. As we indicated in the introductory chapter of this volume, the novelty of this research is in its local focus, a perspective that is currently underrepresented in the historical work undertaken concerning post-war humanist emancipatory movements. This applies not only to the Belgian case but seems to work beyond the country’s borders as well. For this chapter, the general question is whether local developments in the 1970s can be seen as precursors to or experiments for national law-making initiatives in later decades. Within the wider field of secular studies, sociologist Julia Martinez-Ariño has demonstrated the value of this focus on the local as a place to negotiate the relations between the state and life-stance groups.¹ Most available studies about the Belgian model have primarily been concerned with what happens at the national and the regional levels, respectively (given the presence of different linguistic groups and the elaboration of a complex federal state structure).²

Although I will add some nuances to the narrative of the successfulness of local ‘recognition’ as it is held by the *vrijzinnig humanisten*, the case studies prove, nevertheless, that the 1970s are a vital decade in the making of the Belgian political

1 Julia Martinez-Ariño, *Urban Secularism. Negotiating Religious Diversity in Europe* (London: Routledge, 2021).

2 An overview of the Belgian political model can be found in Kris Deschouwer, “The Belgian Federation. A Labyrinth State,” in *Routledge Handbook of Regionalism and Federalism*, edited by John Loughlin, John Kincaid and Wilfried Swenden (London: Routledge, 2013), 211–222.

secularism. I use this term to designate the “legally binding actions of the secular state that seek to regulate the relationship between itself and its (religious) citizens, and between (religious) citizens themselves”.³ Whilst historical work on *vrijzinnige* organisations and their funding has traditionally been focused on their subsidies as a quasi-religion (in the constitutional phrasing as a ‘non-confessional philosophical conception’) at national level, another aspect has remained obscured. The plight for ‘recognition’, as it was called within the humanist sphere, included also obtaining funding for the sphere’s activities as expressions of culture. In the source material of the *vrijzinnige* organisations involved, funding and obtaining memberships of communal advisory boards were presented as an example of the progressive recognition of the *vrijzinnige levensbeschouwing* (‘secular humanist worldview’). And yet, seeking subsidies from the state-funded culture budget or, alternatively, as a quasi-religion, proved a frequent point of contention. To some within the sphere, these were seen as mutually exclusive. Some organisations feared that advocating for a recognition as a worldview would result in the loss of the funds they already received as sociocultural organisations.⁴ By focusing on examples of the latter, I will demonstrate that, although funding secular humanist activities as expressions of culture sometimes provided a substantial financial improvement, obtaining this was, to some extent, no more than a logical consequence of policy decisions inherent to the consociational style of political decision making in 1970s Belgium and, more specifically, the roll-out of the Culture Pact in Flanders.

This chapter starts by bringing into focus some aspects of the Belgian secular framework that are of analytical importance to my endeavour. Following this section, I explain the changing nature and place the group of seculars referred to in Flanders as *vrijzinnigen*, (tries to) occupy within that framework. Their changing affinity with, for instance, a laïcist form of secularism, is not alien to wider political and societal developments. I explain some of these, as they are important in order to grasp the developments that are shown in our source material. Finally, four modest case studies are presented. These are based on archival work undertaken in four municipalities (Ghent, Leuven, Ostend, and Hoboken), as well as more general information kept at the *Centrum voor Academische en Vrijzinnige Archieven* (CAVA) in Brussels.

³ Jacques Berlinerblau, *Secularism. The Basics* (Londen: Routledge, 2022), 5.

⁴ This was namely the case when members were initially sought for the newly established umbrella organisation *Unie Vrijzinnige Verenigingen*. Some local *Vrijzinnige Ontmoetingscentra* or *Vrijzinnig Laïciserende Centra* (‘secular centers’) were afraid to lose their local funding from the culture budget if they joined a plight for recognition as a worldview.

The Belgian Political Secularism and the Place of *Vrijzinnigen*

If one looks at the relationship between the different levels of government and the religions and philosophical conceptions, the Belgian situation is relatively unique. The system that is in place can easily be characterised as one that is quite favourable to (several) religions that are present in its territory. The system has been opened to include a non-confessional philosophical conception since 1993.⁵ The national system currently includes seven recipients, namely: catholicism, protestantism, anglicanism, islam, judaism, and Eastern orthodoxy and the *vrijzinnige levensbeschouwing*.

In the Belgian case, no clear separation of church and state exists.⁶ The four articles in the constitution that deal with cults and philosophical conceptions, article 181 – formerly Article 117 –, in particular, clearly stand opposed to such a separation.⁷ This article stipulates that the wages and pensions of clergy and other delegates of legally recognised organisations that offer moral and spiritual guidance in accordance with a non-confessional philosophical conception are paid for by the state. The system that is in place in Belgium is thus called one of mutual interdependence of the cults (and philosophical conceptions) and the state.⁸

The recognition of religions and philosophical conceptions happens at the national (i.e. federal) level and is governed by the Minister of Justice. Up until the parliamentary question of Alfons Borginon of 22 June 2000, no formal rules of recognition existed for the legislators to take into account.⁹ Generally, somewhat vague ideas about ‘existing as a social fact’ were taken into account. Judaism, protestantism and roman catholicism have been recognised since the creation of

⁵ Apart from the *vrijzinnige levensbeschouwing*, this will come to include buddhism. The practicalities of its national recognition and financing are in the final phase. Buddhism has been receiving an annual subvention, awaiting formal recognition, since 2008.

⁶ This argument is made clear in Andrew Copson, *Secularism: Politics, Religion, and Freedom* (London: Oxford University Press, 2019), 96.

⁷ “Belgian Constitution,” Belgian Senate, last modified 25 August 2021, https://www.senate.be/doc/const_nl.html.

⁸ Rik Torfs, “State and Church in Belgium,” in *State and Church in the European Union*, edited by Gerhard Robbers (Baden-Baden: Nomos, 2005), 12.

⁹ Belgian Senate, Meeting 2004–2005, 26 January 2005, 10. The system came under scrutiny, and today is even being called into question, when a group of Jehova’s Witnesses sued the Belgian state before the European Court of Human Rights in 2022. See: “Affaire assemblée chrétienne des témoins de jéhovah d’Anderlecht et autres c. Belgique,” ECHR, last modified 5 April 2022, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-216625%22%5D%7D>.

Belgium in 1831.¹⁰ The anglican one was added in the nineteenth century. Eastern orthodoxy was only added after a pause of 98 years. Its recognition and the start of the plight for islam since 1970 were not alien to the labour migration to Belgium.¹¹ This had an influence on the positioning of *vrijzinnigen*, as we shall see.

The funding allotted to these seven groups, is based on a budget adopted by parliament, irrespective of the religious and philosophical affiliation of citizens. This money is used to fund three areas:¹² the funding of the recognised philosophical conceptions themselves (ministers of religion and delegates of *vrijzinnigheid*, chaplains and moral counsellors in prisons, hospitals and the army as well as subsidies to church administrations and other establishments), the organisation and funding of philosophical subjects in official education, and the funding of denominational schools.¹³ An important issue here is the fact that the catholic cult still enjoys a significant financial advantage,¹⁴ as well as a patrimonial one, as a result of its historical accumulation. This last issue has, however, only marginally been mapped.¹⁵

What the above goes to show, is that funding and recognition are in essence two separate things. The *vrijzinnige levensbeschouwing* was recognised as a philosophical conception in three strides following the first proposition of law of 13 April 1972, which was a proposition to jointly recognise both islam and *vrijzinnigheid*.¹⁶ An initial annual subvention was granted as of 1980, followed by an adapta-

10 “Erkende erediensten,” Federal Justice Department, https://justitie.belgium.be/nl/themas_en_dossiers/erediensten_en_vrijzinnigheid/erkende_erediensten.

11 An example of the influence of migration on the recognition of Islam can be found in: Dirk Beersmans, *De erkenning van een islamitische geloofsgemeenschap: een handleiding* (Brussels: Vlaams Minderhedenforum, 2007), 18.

12 Leni Franken, *Geld voor je God?* (Brussels: University Press Antwerp, 2017), 12–13; Michel Magits, “Erkende levensbeschouwingen. Commissie der wijzen herstelt deels ongelijkheid,” *Nieuw Juridisch Weekblad* 153 (December 2006): 918–921. The upkeep of buildings is a separate but not unimportant matter, which is not treated in this book.

13 The catholic educational sector in Belgium represents approximately 64 per cent of all primary and secondary education in Belgium. See: *Departement Onderwijs en Vorming, Vlaams Onderwijs in Cijfers 2016–2017*, (Brussels: Flemish Ministry of Education, 2017).

14 Between 2003 and 2017, the number of delegates, quantified in full-time equivalents (FTE), for the catholic cult dropped from 3,280 to 2,577. This, however, is still far removed from the first runner-up (*vrijzinnigheid*) which grew from 163 to 328 in the same period. See Belgian Senate, Meeting 2015–2016, Written question no 6–1049 of Jean-Jacques De Gucht, October 4, 2016.

15 Some patrimonial examples for Antwerp can be found in. Raf Sauviller, *Het geld van de kerk* (Leuven: Van Halewyck, 2013), 60–61. The church councils of Mechelen and Antwerpen enjoy an annual rental income of upwards of 2 million euros.

16 Belgian senate, Meeting 1971–1972, Proposition de loi portant reconnaissance du culte islamique ainsi que de la philosophie laïque, 293. For an overview of the dynamics at play and the

tion of the constitution in 1993, and a financing law in 2002.¹⁷ It received funding in other ways much earlier than that. The most significant example here is the School Pact of 1958, which implemented a non-confessional ethics course, alongside alternatives from religions, in all state, provincial and municipal schools.¹⁸

Vrijzinnigen and Vrijzinnig Humanisten

This designation as *vrijzinnig* and *vrijzinnig humanist* in Flanders refers to “someone or something that is not a member of an organised religion”.¹⁹ As is the case in the Netherlands, the self-identifier refers to someone who is philosophically considered liberal and progressive. Belgian *vrijzinnigen* add an additional connotation of anti-clericalism – to be understood as an opposition to the church’s hold over aspects of the public sphere – a resistance or aversion to revealed truths and a pronounced anti-dogmatism.²⁰ In the French-speaking part of Belgium, the attachments to a French *laïcité*-concept are persistent, whereas Dutch-speaking *vrijzinnigen* have, since the 1960s, progressively, though not without their own reservations or internal critiques, oriented themselves towards modern humanist sentiments, as they are present in Humanists International.²¹

Vrijzinnigen have been around for much longer than the second half of the twentieth century. The first action groups emerged in Belgium from the mid-nineteenth century onwards. The term ‘*vrijzinnig*’ itself appeared in the last deca-

people involved, see Pierre Blaise and Vincent De Coorebyter, “L’islam et L’Etat belge,” *Res Publica* 35, no. 1 (1993): 23–38.

17 The history of the political work is expertly shown in Caroline Sägesser and Jean-François Husson, “La reconnaissance et le financement de la laïcité,” *Courrier hebdomadaire du CRISP*, 1756, 2002. The *vrijzinnige* point of view can be found in Rik Röttger and Ellen Van Impe, 50 JAAR DEBAT & VERBINDING. *De Unie Vrijzinnige Verenigingen en haar leden 1971–2021* (Brussels: VUB-Press, 2023).

18 A full history of this period of conflict and the eventual compromise can be found in Els Witte, Jan De Groof and Jeffrey Tyssens, *Het schoolpact van 1958. ontstaan, grondlijnen en toepassing van een Belgisch compromis* (Antwerpen: Garant, 1999).

19 Sylvie Le Grand, “The Origin of the Concept of Laïcité in Nineteenth Century France,” in *Religion and Secularity. Transformations and Transfers of Religious Discourses in Europe and Asia*, edited by Marion Eggert and Lucian Hölscher (Leiden/Boston: Brill, 2013), 62–63.

20 Roland Willemyns, *De term vrijzinnigheid. Een eerste poging tot semantisch-vergelijkend onderzoek van het woordveld* (Antwerp: Humanistisch Verbond, 1980).

21 For a history of these developments, see Niels De Nutte and Bert Gasenbeek, eds., *Looking Back to Look Forward. Organised Humanism in the World: Belgium, Great Britain, the Netherlands and the United States of America, 1945–2005* (Brussels: ASP, 2019).

des of the century. Very secularist in those days, *vrijzinnigen* belonged to liberal circles, as well as socialist ones that emerged later. The philosophical question, opposing catholics and secularists, has been a major area of conflict since the creation of Belgium, with a final peak related to disputes on the organisation of the educational sector in the 1950s. In conflicts with the dominance of catholics, the plea for a laïcisation of society, i.e. a pure separation of church and state, became a defining element of this secular identity. It is therefore no coincidence that the issues of disagreement relate to funeral rights or oath-taking, as shown by Tysens in the volume, and the profiling of secular coming-of-age events, which were originally often seen as (and designated) celebrations of anti-communion.

Whereas from the nineteenth century through the First World War, secular sentiments easily found their way into the political sphere and onto the agendas of socialist and liberal parties, from the inter-war period onwards, secularists faced a decline in attention for their aspirations from political circles. The introduction of universal male suffrage in 1919, and the subsequent opening up of parties to a religious electorate had an undeniable influence in this respect.²²

In the immediate post-war period, original freethought organisations were joined by a new player in the form of the *Humanistisch Verbond* (Humanist Association – HV). The HV was founded on the idea of being a practical, profane and apolitical branch of Flemish freemasonry.²³ At the time, the founders did not intend to act as a pressure group or membership movement – which is what HV would later transform into by becoming involved in numerous social actions, as well as political advocacy on, for instance, education, women's rights, abortion, same-sex marriage and euthanasia.

Although the HV and subsequent secular organisations such as the *Oudervereniging voor de Moraal* (Secular Parents Association – OVM), the *Centre d'Action Laïque* (Centre for Secular Action – CAL) and the *Unie Vrijzinnige Verenigingen* (Union of Secular Associations – UVV) were new organisations, they too were still populated by *vrijzinnigen*. As a result, the difference from their predecessors may not lie in the identity of their members but, rather, in their (partly) innovative

22 Jeffrey Tyssens, "Tegen de stroom: vrijzinnig militantisme in Antwerpen 1919–1939," in *Een Leven van Inzet: Liber Amicorum Michel Magits*, edited by Dave De ruyscher, Paul De Hert and Machteld De Metsenaere (Mechelen: Kluwer, 2012), 172–173.

23 The establishment of HV found its origin in three masonic lodges which served as the initial meeting places and financial backers, namely *Marnix Van Sint Aldegonde*, *De Zwijger* and *Balder*. One of HV's founders, Lucien De Coninck, had for some time been advocating "the need for the expansion of freethinking in Flanders and the inclusion of Flemish people for whom French is an obstacle". See Jan Fransen, "Het Humanistisch Verbond. Ontstaan, Uithbreiding en Crisis (1951–1961)," *Belgisch Tijdschrift voor Nieuwste Geschiedenis* 28, no. 3–4 (1998): 499–525.

points of action. Much more than their freethinking predecessors, humanist organisations, where the designation as *vrijzinnig humanist* slowly came to the fore, increasingly moved initiatives for the creation of a *laique* state into the background and placed greater emphasis on accommodationist initiatives. One example is the focus on moral support or chaplaincy work – in the same way as recognised religions offered them – in healthcare, prisons and other sectors. In all likelihood, the idea had already been around for some time behind the scenes and at local level, but in 1970, the demand for legal and especially financial equality of rights moved to the forefront of secular action.

The concept of accommodationism is understood here quite simply as a person or political group that seeks compromise (and coexistence), in this case, the secular sphere with the Catholic Church and its affiliated organisations in Belgium.²⁴ One might comment that some other religions are part of the recognition/subvention scheme as well. However, they were not the primary focus of *vrijzinnigen*. Some might understand the situation as an example of consociationalism, as it is understood, for instance, by Asher Cohen and Bernard Susser in the context of the mediation of the secular-religious cleavage in Israel.²⁵ In the Belgian case, using this word in the case of religions and philosophical conceptions would, however, confuse the cause and effect of the recognition of *vrijzinnigheid*. The intention of the secular sphere was to be found primarily in the financial consequences of such a plight, whereas interfaith dialogue and other such current practices are, to a large extent, a consequence of recognition, not a cause. Up until this point, many within the *vrijzinnige* sphere had thought, parallel to the ideas of secularisation theory, that religion and its importance in society would naturally disappear. The growing sentiment, and especially the analyses made at the top, of the organisations, was that the power and dominance of the catholic pillar (including civil society organisations and the christian democratic parties) could not be broken. In periodicals, Flanders was often deemed the *CVP-staat* ('CVP-state'; CVP being the Flemish Christian Democratic Party). As such, the case can be made for seculars adjusting to fit governance frameworks, instead of changing the systems that are in place. If you cannot beat them, join them.

²⁴ The notion of a sphere was coined by Stefan Schröder in his work: *Freigeistige Organisationen in Deutschland. Weltanschauliche Entwicklungen und strategische Spannungen nach der humanistischen Wende* (Berlin: DeGruyter, 2018).

²⁵ Asher Cohen and Bernard Susser, *Israel and the Politics of Jewish Identity: The Secular-Religious Impasse* (Baltimore: Johns Hopkins University Press, 2000), 13–14.

A quote from local OVM president Gilbert Deygers at the national convention held in Knokke in 1970 is exemplary of this accommodationist shift and the sentiments involved:²⁶

1,843,700 inhabitants are not counted but nevertheless pay a “faith tax” as non-participants in traditional religions. *Vrijzinnigen* would therefore be entitled to approximately 71,600,000 Belgian francs. We demand our rights. What are we trying to imply? Nothing other than the institutionalisation of secularism. In other words: the foundation of one or more secular spaces in each town or municipality, having the correct number of believers determined democratically, and the introduction of a church tax. And this after the 1970 census! We call for the introduction of a census of beliefs with a subsequent church tax, following the example of Germany, the Netherlands, Austria, etc. This would enable us to break out of the vicious circle of clandestinity and improvisation, and move towards a larger circle, i.e. towards changes in social structure, towards a genuinely higher level of spiritual and material awareness, towards a truly pluralist society, with equal rights and obligations for all.

The Emerging Federal State and the Culture Pact

Until the First World War, the denominational divide between Catholics and seculars played a major role in political and social life.²⁷ From the interwar period onwards, and especially in the post-war period, social and linguistic issues successively took centre stage.²⁸ The political consequences of these tensions led to the governance framework in which local HV chapters sought ‘recognition’. From the mid-1960s, the Belgian societal and political landscape was profoundly influenced by growing tension between language communities.²⁹ The idea of a unitary state came under ever-increasing pressure. Within a decade of 1968, all major political groups (Christian Democrats, liberals, and socialists) split into two new formations, one French-speaking and one Dutch-speaking. The role of some new political formations explicitly geared towards language rights should not be overlooked either. This led to more than 10 parties competing in elections by the end of the 1970s. A growing number of Flemings found themselves frustrated with the persistent treatment of Dutch

²⁶ CAVA, *Hendrik Van de Rostyne*, PHVDR78, Kaderblad van OVM no 13 (1970).

²⁷ Caroline Sägesser, “Les fondements inébranlés du régime des cultes,” in *Piliers, déphilisation et clivage philosophique en Belgique*, edited by Lynn Bruyère, Anne-Sophie Crosetti, Jean Faniel and Caroline Sägesser (Brussels: CRISP, 2019), 58–59.

²⁸ Changing voting regulations had a role here, as they adversely affected the inclusion of secular desiderata in political agendas. See Jeffrey Tyssens, “Tegen de stroom: vrijzinnig militantisme in Antwerpen 1919–1939,” 172–173.

²⁹ For an in-depth analysis in English, see Guy Vanthemsche and Roger De Puter, *A Concise History of Belgium* (Cambridge: Cambridge University Press, 2023), 335–344.

as a second-class language. As historians Vanthemsche and De Peuter clearly show, the universities are a case in point.³⁰

A first state reform (of no less than six) ensued in 1970. Apart from the three traditional levels of power (communes, provinces and central state), decentralised institutions were created to address the specific needs of each language community. The first is the level of the language communities (Dutch, French and German) which deals with matters related to individuals. The second is the regions (Flanders, Wallonia and Brussels-capital) which handle issues of territory. The former was created to meet Flemish demands for cultural autonomy, while the latter was the result of Walloon aspirations for economic self-determination.

The transfer of responsibilities from central level to the newly established ones remained limited throughout the 1970s. Most prominently, these included policy areas on language, culture and, to some extent, education. The instrument created in Flanders was the *Cultuurraad voor de Nederlandse Cultuurgemeenschap* (Culture Council for the Dutch-speaking Cultural Community), established in 1971. The predominance of the Christian Democratic Party became much more pronounced, given the fact that Flemings predominantly voted catholic – despite a rapidly rising secularised portion of the populace. To prevent the roll-out of an exclusively catholic culture policy, the three largest Flemish political parties (again christian democrats, liberals, and socialists) signed the Culture Pact in 1972.³¹ Nonetheless, a large portion of the cultural policies of the 1970s fell under the catholic sphere of influence, oriented as the ‘preservation of Flemish culture’. For the liberals, adoption was a prerequisite to the ratification of law-making related to state reform. In short, for them, evolution towards an autonomous community or region could only happen in a pluralist Flanders.³²

The application started with the Culture Pact Law “whereby the protection of ideological and philosophical dispositions remained guaranteed”. It was first and foremost a legal implementation of the new article 6bis that was inserted in the constitution during the 1970 amendment, which reads as follows: “The enjoyment of the rights and freedoms granted to Belgians must be ensured without discrimination”. As a principle, every government vested with public power would ensure that all recognised representative associations and all ideological and philosophical strands participated in the preparation and implementation of cultural policy. To this end, they would have recourse to appropriate bodies and structures, existing

³⁰ Vanthemsche and Peuter, *A Concise History of Belgium*, 339.

³¹ Vincent Dujardin, Michel Dumoulin, Marnix Beyen and Philippe Destatte, *Nieuwe Geschiedenis van België III. 1950-heden* (Leuven: Lannoo, 2009), 1741–1742.

³² Walter Prevenier, “Verhulst, Adriaan,” *Nieuwe Encyclopedie van de Vlaamse Beweging*, accessed 11 January 2024.

or to be created, for participation and advice. The *Cultuurraad* released a decree for municipal culture councils and an implementing decree (in 1974) ruling the shaping of the municipal participatory democracy.³³ This implementing decree, ushered in by the christian democratic politician and Minister of National Culture and Flemish Affairs, Rika De Backer, was not without importance to recognition of *vrijzinnigen*, as we shall see. In the case of Leuven, for instance, the guideline for local culture councils attached to the decree instigated a quantitative evaluation of funding and member applications. What is important to consider is that these decrees did not constitute an obligation to communal governments to install a culture council. It simply provided a guideline.

Local Chapters of *Humanistisch Verbond* being Recognised?

I have worked on historicising the recognition plight of *vrijzinnigen* at national level, studying the sources of the HV and UVV.³⁴ Although looking at the developments of the national (central) level of these organisations provided some insight, these remain limited to evolutions that could be measured (positively or negatively) against the organisations' own policy issues. The case in point here is exactly their focus on 'equal treatment/recognition'. By the middle of the 1970s, the HV and OVM had partially merged, as they were granted the status of national institutions of sociocultural educational work, as a consequence of the decree of 4 July 1975 for the recognition and subsidising of Dutch-language umbrella organisations for policy-preparing consultation in the sector of socio-cultural work.³⁵

³³ A sample survey showed that in 1969 approximately 26.8 percent of all municipalities in Flanders had a cultural council. The functioning of these bodies however was unclear. See Wilfried De Wachter and Edith Lismont "Politieke participatie aan de gemeenteraadsverkiezingen," *Res Publica*, 12, no. 3 (1970): 311–338, 312. The details of the implementations of the *Cultuurraad* are expertly worked out in Paul Berckx, *De cultuurpactwet, onvoltooid en onbemand. 15 jaar bescherming van de ideologische en filosofische minderheden* (Antwerp: Kluwer, 1989).

³⁴ Niels De Nutte, "Une Belgique en faveur de la non croyance organisée. L'humanisme séculier est-il l'Église subventionnée des « sans religion?," in *L'État et la religion dans l'espace public: approches pratiques et théoriques de la laïcité*, edited by Jérôme Grosclaude (Rouen: PURH, 2021).

³⁵ Lisa Dejonghe, "Archieven van socioculturele verenigingen in context: het archief van het Humanistisch Verbond (1951- . . .) bewaard door CAVA," *Contemporanea* 37, no. 2 (2018), accessed 2 January 2024. Some organisations, such as the Willemsfonds, 'modernised' their structures somewhat earlier in much the same way. See "Willemsfonds," *Nieuwe Encyclopedie van de Vlaamse Beweging*, accessed 11 January 2024.

Their merger was an effort to comply with the number of local chapters such a status imposed upon them. The annual subsidy, however, proved insufficient to fund the work of all these chapters. These entities were thus encouraged to seek additional funding at local level.³⁶ In the HV annual policy note of 1979, the subsection dedicated to recognition noted:

No major progress was made in this regard. Nevertheless, it is notable that several municipalities have started to consider formulas to give more leeway to *vrijzinnigen*. This is, among others, the case in Hoboken, Berchem, Boom, Ekeren, Antwerp and Leuven, besides the achievements of Ostend, Ghent, Blankenberge. Personal commitment, whether from local chapters or politicians is the big lever here.³⁷

The formulation of this short paragraph is what one would expect from a policy note. It frames developments to fit the organisations' goal, which is 'recognition'. It is unclear what is meant or what these local formulas entailed. I shall demonstrate that the developments in the municipalities in which archival sources remain, do not necessarily equate to recognition. What 'happened', is not what gets 'presented' at national level.³⁸

These developments happen against the backdrop of the 1976 municipal elections. By the early 1970s, single-party city councils had progressively made way for coalitions. The fact that the socialist and liberal parties in Flanders traditionally scored better in larger agglomerations is not without importance here.³⁹

Ghent

The first case is Ghent, a provincial capital, university city and old industrial centre with a population of approximately 270,000 people. It has a long-standing

³⁶ CAVA, *Humanistisch Verbond*, HV29, Verslag betoelaging Nederlandse cultuur 1975.

³⁷ CAVA, *Humanistisch Verbond*, HV25, Beleidsnota 1979, 1–2.

³⁸ I have examined archival collections at CAVA, Antwerp Felixarchief, Ghent City Archives, Leuven City Archives and Ostend City Archives. In the cases of Berchem, Blankenberge, Boom and Ekeren, references to *vrijzinnige* chapters of HV and OVM (or other names prevalent at the time) could not be found for the period of the 1970s.

³⁹ Socialists fared better in larger agglomerations and places with presences of industry, whereas liberals were stronger in larger urban contexts as well. The socialist party generally fared better in municipal elections than national ones, contrary to the catholic and liberal parties. See Gerrit Van De Put, "Verschuivingen in partijkeuze, een vergelijking van de uitslagen van de gemeenteraadsverkiezingen van 1964 en de parlementaire verkiezingen van 1965," *Res Publica* 12, no. 3 (1970): 358; Wilfried Dewachter, "Rustige gemeenteraadsverkiezingen op 11 oktober 1970: ongelijke politieke participatie en besluitvorming," *Res Publica* 15, no. 5 (1973): 847.

presence of *vrijzinigheid*. Here the source material shows us a significant progress in the subsidising of *vrijzinnigen*.

First is a letter from Roland Cools to the College of Mayor and Aldermen in 1976. Cools was president of the local *Vrijzinnig Laïciserend Centrum* (a joint effort of local *vrijzinnigen*, namely HV, OVM and the committee for the coming-of-age ceremony). These centres, some 30 in existence today, are local hubs of *vrijzinnige organisaties*. They emerged progressively following the establishment of the first one in Knokke (under the influence of Gilbert Deygers, who we mentioned earlier). In the Cools letter, he shows that the city provided their organisations with a property with usufruct rights allocated to them in 1973.⁴⁰ This spurred the establishment of the VLC in 1974. He argues that in order to be able to promote a humanist way of life, “the VLC should be transformed into a true information and meeting centre, parallel to those who favour a different, for example, religiously oriented philosophy, and have long since been able to meet in designated centres”.⁴¹

We see here the reiteration of the accommodationist sentiment by referring to the right to centres parallel to those already in existence for other religions (such as parish centres and places of worship for instance). Cools also refers to the help of some *vrijzinnige* council members, but it is possible that his accommodationist argument served to convince the city council. Since this letter accompanied the VLC’s first application for funding as part of the cities’ culture budget, supervised by the christian democratic Alderman, Robert Vandewege, this could have been the case. And yet, some reservations are warranted. The city council was ruled by a coalition of christian democrats and socialists (with the Liberal Party having comparable standing). The Socialist Party was even the largest, by three seats, but failed to appoint a mayor. As of 1976, the christian democrats grew and doubled their margin on the socialist fraction when the coalition continued.⁴²

What do I estimate happened here? The city records leave open two possible roads for *vrijzinnigen* to take, either be funded as a worldview or be funded for activities that fall within the culture budget. We see that *vrijzinnigen* were completely absent in the budget for cults. This was limited to catholicism, protestantism, angli-

⁴⁰ Ghent City Archives, XIX.223 *Werkingsubsidies aan inrichtingen van culturele aard dienstjaar 1976*, Brief Roland Cools, 16-4-1976.

⁴¹ Ghent City Archives, XIX.223 *Werkingsubsidies aan inrichtingen van culturele aard dienstjaar 1976*, Brief Roland Cools, 16-4-1976.

⁴² The growth can be attributed to Ghent merging with surrounding towns of a rural nature. See Hilde De Munck, *Processen van machtsbehoud op het micropolitiek vlak: gemeenteraadsverkiezingen en gemeentebelid te Gent, 1945–1976*. (Ghent University, 1985) (unpublished Master’s paper).

canism and judaism. On the other hand, a culture council and subsequent options for funding have existed in Ghent since 1972.⁴³ By 1976, the total annual budget was around BEF one million, divided between some 30 organisations. Most of these are catholic groups, with a significant number of socialist organisations as well. Activities were found primarily in dance, theatre, lectures and other variations. Most applicants receive an annual subsidy of less than BEF 10,000, with only three totalling over 100,000. Apart from the VLC, these were *Kulturele Raad van de Stad Gent* (Cultural Council of the City of Ghent) and *Socialistisch Kultuurbeleid* (Socialist Culture Policy).⁴⁴

The VLC applied for its first funding in 1976, and, unlike all other applicants, did so without providing the mandatory financial statements. More surprising is their subsidy of BEF 206,000.⁴⁵ This is around 20 percent of the total budget. More surprising still is what happened in 1977. The catholic, socialist and liberal funds (*Davidfonds*, *August Vermeylenfonds* and *Willemsfonds*)⁴⁶ saw their respective subsidies increased tenfold to BEF 100,000, the VLC received BEF 200,000 and two new recipients, for christian and socialist educational work were allotted BEF 400,000, respectively.⁴⁷ The budget of cults remained unaffected.

A few observations need to be made. First, it seems the equal treatment argument worked, since the VLC now counted a significant annual subsidy. Second, this proves an accommodationist strategy. The *vrijzinnigen*, although advocating equal treatment to religions, leave the designated budget well enough alone. This budget, most of it going to the catholic cult, constitutes a multiple of that allotted to culture. One could ask who is best served by the successfulness of this strategy, given the CVP's willingness to comply. Third, their inclusion has a profound influ-

43 This was a consequence of a Royal Decree, namely: Vlaamse Cultuurraad, *Koninklijk Besluit tot subsidiëring van de activiteit van nationale en regionale organisaties ten bate van de Nederlandstalige volksoontwikkeling*, 7 June 1967.

44 Ghent City Archives, *Verslag over het bestuur en de toestand der Stad Gent 1976*, 336–339.

45 Ghent City Archives, *Verslag over het bestuur en de toestand der Stad Gent 1976*, 336–339.

46 Although the August *Vermeylenfonds* and *Willemsfonds* were considered socialist and liberal respectively, their *vrijzinnige* nature should not be forgotten. Today both are members of the UVV and have longer traditions. The *Willemsfonds* developed (at least partially) *vrijzinnige* sentiments since the First World War, which were mostly related to issues of state education and in the 1960s to the pluralism of cultural autonomy. In the early 1960s, Adriaan Verhulst was both the general secretary of *Willemsfonds* and president of the Ghent HV chapter. The much younger *Vermeylenfonds* was established after 1945 and would become explicitly socialist in 1961. It was initially more pluralist, but became an UVV-member in 1984. See Harry Van Velthoven and Jeffrey Tyssens, *150 jaar Willemsfonds. Vlaamsch van taal, kunst en zin* (Ghent: Willemsfonds/Liberaal Archief, 2006), 133–177; Bart De Wever, “August Vermeylenfonds,” *Nieuwe Encyclopedie van de Vlaamse Beweging*, accessed 11 January 2024.

47 Ghent City Archives, *Verslag over het bestuur en de toestand der Stad Gent 1977*, 354.

ence on the allocation of the culture budget where one can argue that it is the (secular) socialist and liberal, and the catholic cultural life that gets treated equally to *vrijzinnigen*.

Ostend

The second case is the smaller coastal and port city of Ostend, which today has some 70,000 inhabitants. The case has some similarities with the first one, including a traditional *vrijzinnige* presence. Here as well, the application party is a *Vrijzinnig Laïciserend Centrum*. Sadly, none of the archival material related to the allocation of culture budgets remains. We do see, once again, an example of equal treatment advocacy. This time in the form of a letter addressed to the national Minister of Justice in 1972. The president and secretary of the VLC ask that a certain Mrs Monique Missiaen Rouzere, a local schoolteacher, be appointed as a *lekenconsulent* ('lay counsellor') at the VLC with "the same benefits and prerogatives as catholic parish priests, to be able to devote herself full-time to providing moral help and assistance to *vrijzinnigen* and to act as a ceremonial leader at the various ceremonies".⁴⁸ In essence, this letter has a number of similarities to the one written by Cools. It concerns the presentation of *vrijzinnigheid* as a worldview, in other words, a non-confessional philosophical conception.

At the municipality level, although we lack correspondence of any kind, it seems that equal treatment advocacy undertaken by the members of the VLC was approximately as successful in Ostend as it was in Ghent. Between 1972 and 1977, the *vrijzinnige* sphere saw the city administration decide on a loan of BEF 2,061,000 to purchase a room for them at the Europe Centre, which was later given to them under concession.⁴⁹ During that same period, the city provided and paid for the fur-

48 CAVA, *VLC Gent*, Aangetekende brief aan de heer minister van justitie, wetstraat Brussel (door de secretaris JP Schoote en coördinator F Goddemaer) d.d. 21/2/1972.

49 Ostend City Archive, *Gemeentebblad van de stad Oostende*, zitting van de gemeenteraad op 28 oktober 1977; Ostend City Archive, *Gemeentebblad van de stad Oostende*, Overeenkomstakke stad Oostende met VLC 3 November 1976; Gemeentebblad van de stad Oostende, zitting van de gemeenteraad op 28 april 1972, 708. The Europa Centre (in full "Residentie Europacentrum") is a residential tower in the Belgian seaside town of Ostend. The land on which the building stands is bordered by Vlaanderenstraat, Langestraat, Christinastraat and Van Iseghemlaan. It used to house the City Theatre (architect Alban Chambon, 1905) and a number of residential houses with commercial ground floors. The distance to the beach is about 80 metres. The Europa Centre was built between 1967 and 1969. The building is mainly used as residential space but also holds office buildings and has several restaurants, cafés, a luna park and other commercial businesses on the ground floor. The tower stands a 103.9 metres tall.

niture as well. As in Ghent, the city council consisted of a coalition of christian democrats and socialists, holding 12 and 11 seats, respectively.⁵⁰

Leuven

The third case is the city of Leuven, which has a similar population to that of Ostend. The city is home to noteworthy industrial activities and the prominent *Katholieke Universiteit Leuven*. *Vrijzinnige* groups have, however, been present since the 1860s, with notable activity even during the inter-war years. Here, as in Ghent, we see a culture council established in 1972, once again under a christian democratic and socialist coalition, although their relative weight was quite different (19 to 12).⁵¹ OVM became a member of this council in 1974, as did *Humanistisch Vrijzinnig Vormingswerk* (part of the HV-OVM network) in 1975.⁵² Correspondence or any details on the funding of cults are absent. Given the developments within the frame of the culture budget, it is highly unlikely that *vrijzinnigen* acquired any funding from the former.

Two points stand out in this case. One is the rational nature of the 1974 *reglement tot subsidiëring van culturele verenigingen* ('application procedure for the subsidising of cultural associations').⁵³ Another is the fact that the funding OVM and HV received from the city seems to be a mere matter of principle.

The requirements and stipulations of the procedure are as follows (my translation):

All grants are made by the College of the Mayor and Aldermen, following advice from the Culture Council. Eligible organisations are those that:

- Hold a membership of the culture council;
- Are not the recipient of any other grant from the city council;
- Seek to provide adult education outside of school or professional contexts;
- Constitute a private initiative;
- Have existed for more than one year with a board consisting of at least five members;

⁵⁰ "Verkiezingsuitslagen," Federale Overheidsdienst Binnenlandse Zaken, last modified 2022, <https://verkiezingsresultaten.belgium.be/nl>; <https://archieff.oostende.be/product.aspx?id=3205>.

⁵¹ City Archive Leuven, *Verenigingen culturele verenigingen betoelagingen 1975*, 26.385 (9/11); "Verkiezingsuitslagen," Federale Overheidsdienst Binnenlandse Zaken.

⁵² City Archive Leuven, *Betoelaging culturele verenigingen 1974*, algemeen dossier; Idem, *Verenigingen culturele verenigingen betoelagingen 1975* – 26.385 (9/11).

⁵³ City Archive Leuven, *Betoelaging culturele verenigingen 1974*.

- Hold headquarters in Leuven;
- Are nonprofit.

Applications need to consist of:

- A report of the activities of the past year and plan for the coming year;
- First time applicants must provide an overview of their board and statutes;
- A maximum of 20 per cent of the total budget can be granted to one organisation;
- The budget will be divided on a pro rata basis by the number of points given to each organisation.

Scoring is done along the following score grid:

- Lecture or visit to cultural institution: two points;
- Educational movie showing: two points;
- Theatre or ballet performance: three points;
- Self-designed course for adults: ten to 15 points
- Original theatre performance: 20 points;
- Self-published periodical: three points.

Organisations fall in one of four categories: educational work, music and folk art, theatre or popularisation of art and science.⁵⁴

The OVM scored 27 points in 1974, amounting to BEF 1,134. Their activity report for 1975 also shows a provincial subsidy of BEF 3,100. The order of magnitude, however, pales in comparison to the annual financial report of the Leuven chapter of OVM in 1975. This document puts their income at BEF 332,883 with an annual revenue of BEF 42,002. Of this, over BEF 240,000 came from the organisation of a lottery, a dance (*Fakkelbal*) and a coming-of-age ceremony (*Feest Vrijzinnige Jeugd*).⁵⁵ Two conclusions of this case are the formulism of the grant procedure, which makes the option of favouritism unlikely for this part of the city budget, and the self-sufficiency of the Leuven chapters of HVV and OVM.

⁵⁴ City Archive Leuven, *Betoelaging culturele verenigingen 1974*, Reglement tot subsidiëring culturele verenigingen, 1–6.

⁵⁵ City Archive Leuven, *Verenigingen culturele verenigingen betoelagingen 1975*, 26.385 (9/11), jaarrekening OVM 1975.

Antwerp

The fourth and final case is Antwerp, or more accurately, Antwerp and some of the communes it had not yet merged with in the 1970s. It is the capital of the province of the same name, a port city, prominent centre of the diamond sector and today numbers over half a million citizens. Like Ghent, Antwerp can be considered one of the centres of gravity of *vrijzinnigen* in Flanders, with the post-war period seeing a very long tenure of socialist mayors. And yet, it is precisely here that the results of our work are few and far between. This, of course, is partially due, again, to the absence of any archival material (for instance, in the commune of Boom). Only for Antwerp itself and in Hoboken has anything come to the fore.

In Antwerp, once again governed continuously by a coalition of christian democrats and socialists (18 and 21 seats, respectively),⁵⁶ very little archival material remains that is related to the allocation of the culture budget to external organisations. One *vrijzinnige* organisation, namely, the *Fakketheater*, was consistently denied any grant between 1972 and 1976. Although it never became a member organisation of any group of *vrijzinnigen*, the theatre group can be counted within the *vrijzinnige* sphere. It was founded in 1956 by people active in the educational sector and affiliated to the socialist teachers trade union. In its early days, it was much like a kind of youth group, but it grew into a professional troupe that consisted partly of professional actors.⁵⁷ In contrast to what we saw for Leuven and Ghent, applications did not contain any provisional budgets or statutes. They were just applications detailing a specific expense and the sought-after amount. The *Fakketheater* generally applied for the amount of BEF 1,000,000 in order to either renovate the building it occupied or to finance shows.⁵⁸ The funds were continuously denied on the basis that such expenditure did not fall under this part of the city budget. This seems, however, to have been a common argument given that a football team was similarly denied funding for an activity in 1975.⁵⁹

For Hoboken then, although limited, similarities to earlier examples are apparent. The culture council was established in 1971, and consisted of mostly catho-

56 “Verkiezingsuitslagen,” Federale Overheidsdienst Binnenlandse Zaken.

57 Bart Van Kerkhoven, “Dromen bij het licht van een fakkel . . .,” in *Omzien in verwondering, 1956–1981. Fakketheater*, edited by Walter Groener (Antwerp: Plantijn, 1981), 115–116. Some of the programmes of this group were the object of censorship. A very notable example here was the (public) commotion surrounding their performance of Hochhuth’s *Der Stellvertreter* on the role of Pope Pius XII and the shoah.

58 Felixarchive, 472#28, subsidies 1972 – 473#32 subsidies 1976.

59 Felixarchive, 472#31, subsidies 1975.

lic and some socialist and liberal organisations until 1975.⁶⁰ The annual report for that year stipulates that, “it needs to be pointed out that the statutes of the municipal culture council need revision in order to adapt them to ministerial standards”.⁶¹ As a consequence, the local chapter of HV was made a member from 1976.⁶² No doubt, the stipulation in the report refers to the aforementioned implementation decree of the Culture Pact Law dating from 1974.

Conclusion

Today Belgian *vrijzinnigheid* occupies an organisational and financial position in society that is envied by most modern humanist groups around the globe. Between 1980 and 2002, *vrijzinnigen* successfully negotiated their exceptional position at the national level. The question here is whether or not local efforts towards the plight for equal treatment, as presented by HV at national level, indeed constituted a form of recognition as worldview *avant la lettre*? Did *vrijzinnigen* negotiate a recognition in the 1970s as a bottom-up precursor to later national developments?

The first point is that it is hard to test whether statements made by *vrijzinnigen* about the presence and help of sympathetic council members (of socialist or liberal persuasion) in any one context ring true. Correspondence is hardly ever present in the archival collections I consulted. It stands to reason that contacts or even manipulations, if these took place at all, were not committed to paper. Yet, the procedures in place both in Ghent and *a fortiori* in Leuven, seem to point to a relative lack of strength of any such contacts. In both these cases, as well as the one in Hoboken, development seems tributary to the national guidelines for local culture councils. The political landscape of our respective cases further supports this argument, as no landslide changes in power can be observed. Although some seats on city councils changed hands, coalitions remain relatively stable and the weight of the political fractions lacks any significant shifts.

The second point relates to the question of whether what we observe constitutes recognition of any kind. What is recognition? One could argue the case to some degree by stating that these *vrijzinnige* groups became a part of and received funding from the culture councils in communal contexts. This could also mean simply that some of the activities of these *vrijzinnigen* fit well in the frame-

60 Felixarchive, 19#1887, jaarverslagen Hoboken 1972 - 19#1890 jaarverslagen Hoboken 1975.

61 Felixarchive 19#1890, jaarverslagen Hoboken 1975.

62 Felixarchive 19#1891, jaarverslagen Hoboken 1976.

work of culture subsidies (lectures, movie showings, plays, etc.), or were at least close enough to the initial schemes for *vrijzinnige* groups to act in compliance with what was expected. In any case, recognition would imply an initial lack thereof. Since the culture councils I have examined had only existed for a handful of years before *vrijzinnigen* were included, this seems a hard sell. In any case, these developments did not constitute recognition as a philosophical conception, a parallel that is pursued in the letters found in the cases of Ghent and Ostend but did not extend to the road taken.

Nevertheless, some of these achievements were not without merit or unimpressive, given the fact that in the middle of the 1970s, HV declared itself to function as an organisation aided by one paid secretary and an army of volunteers.⁶³ I highly doubt, however, if these achievements can be attributed to the local chapters themselves. It is far more likely that these developments are consequences of the consociationalist political atmosphere towards the creation of a pluralist cultural life in Flanders. Most of the beneficiaries of municipal cultural budgets remained of a catholic persuasion, with a significant socialist presence and a modest liberal one. At the very least these developments support the idea of the connectedness of the national and municipal political levels. Indeed, many members of the regional and national parliaments in the 1970s combined their mandates with seats on municipal councils. Although the distribution of cultural budgets might not necessarily have been at the forefront of coalition debates, the national sensitivities to the need of a pluralist cultural landscape should not be forgotten in this regard. Indeed, it would be difficult to suspect much opposition from the catholic side in these cases. Of course, the fact that the municipal budgets for cults remain seemingly unaffected and undisputed doubtlessly is a factor here. Regrettably, the archival material needed to test this, is scarce.

Some general remarks on the *vrijzinnige* sphere should not be forgotten. Many case studies on other developments within this sphere have shown that coincidence, strong personal engagement of a limited number of individuals, and improvisation are almost always factors. So here, I doubt whether the word strategy applies to local cases, as they contain some significant dissimilarities. The Ghent chapter seems to correspond most neatly to what we would expect to see. Namely, the establishment of a joint venture by several local *vrijzinnige* chapters and the creation of a narrative of local community building as a way to obtain a durable subsidy from the city council. In Ostend, we see a similar joint venture, and yet the contacts are not exclusively local or geared towards an annual sub-

63 Karel Poma, "Hebben de vrijzinnigen in Vlaanderen reden om achterdochtig te zijn?," *Het Vrije Woord* 19, no. 1 (1973): 1–4.

sidy. In Leuven, the local HV and OVM chapters obtained only marginal gains, as they were quite self-sufficient. Finally, for Hoboken the only gain is a seat on the cultural council with no apparent benefits, financial or otherwise. By way of a final comment, it should not be forgotten that explicitly secular plights had a much harder time finding a home in socialist and liberal political circles by the 1970s. Even though in Antwerp, for instance, the socialist party was the *primus inter pares*, even developments here should probably be seen through the prism of con-sociationalism and not through that of the advocacy for the legal establishment of a *vrijzinnige* philosophical conception.

Vincent Genin

Moral and Religious Counselling in French-Speaking Belgium since the 1970s. The Quest for Legal Recognition and Dignity

Introduction

In today's Belgium, the question of moral and religious assistance is both an intense and muted debate within the relationship between churches and state. A more visible debate, which has been resurfacing for several years, concerns the public funding of religious denominations.¹ Firstly, I will attempt to review the major stages of moral and religious assistance in Belgium over the last 50 years or so and place this issue in a very specific contemporary context. Secondly, I will look at the extent to which this key aspect of the Belgian secularist system is now taking place in a context where the principle of the neutrality of the state with regard to religious denominations is changing significantly. In recent years, the legislature – and in particular the Constitutional Court, which has jurisdiction in this area alongside the Council of State – seems to have observed a change in the very notion of neutrality. Once considered to be 'neutral', it has sometimes been pointed out that it carries an ideology, which needs to be identified on a case-by-case basis (in certain state schools, for example). We are therefore moving towards a system of secularism in which neutrality does not permit pluralism but where neutrality can be ontologically considered plural and therefore more open to interpretation.² This subjectivisation of the principle makes it lean towards both an 'inclusive' (positive, even if this adjective, used in the French context by Nicolas Sarkozy, has been strongly criticised) and an 'exclusive' (negative) concep-

1 Provided for in the Belgian Constitution of February 1831, this principle has been called into question by the European Court of Human Rights (ECHR, 5 April 2022, no. 20165/20, *Assemblées chrétiennes des Témoins de Jéhovah d'Anderlecht et a. c. Belgique*), following the non-financing of nine Jehovah's witness communities in Brussels. The ECHR found that the recognition (and therefore funding) process was not sufficiently predictable and transparent; however, this does not constitute a formal condemnation of this principle. See Louis-Léon Christians, "Le régime belge des cultes reconnus: pas de problème en soi pour Strasbourg, mais . . . où est la procédure de reconnaissance fédérale?," *Observatoire juridique du fait religieux en Belgique*, last modified 28 April 2022. <http://belgianlawreligion.unblog.fr/2022/04/28/le-regime-belge-des-cultes-reconnus-pas-de-probleme-en-soi-pour-strasbourg-mais-ou-est-la-procedure-de-reconnaissance-federale>.

2 Léopold Vanbellinghen, "Laïcité 'à la belge': vers une neutralité intrinsèquement plurielle?," *Revue du droit des religions* 14 (2022): 57–70, <http://journals.openedition.org/rdr/1898>.

tion of the principle of regulating relations between churches and state. Thirdly, I will examine the causes of the difficulty in legislating moral and religious assistance, by briefly reviewing a traumatic moment in the matter, namely, King Baudouin's refusal to countersign the law decriminalising abortion in 1990. Fourthly, some conclusions will be put forward.

In a country with an extremely deep-rooted catholic culture, a former citadel of the Counter-Reformation, very often run by catholic or social christian governments, both *laïcisé* and secularised (more so in Wallonia and Brussels than in Flanders, at least for a long time, before the situation rebalanced in recent years) but still with major privileges granted to the Catholic Church, secular activists have often had to adopt a proactive stance to make themselves heard, even if it meant adopting the traits of their historical adversary.³ That is why Claude Javeau had the mischievous but fair idea of talking about a regime of “*laïcité ecclésialisée*”.⁴ However, this does not mean that there is a ‘secular pillar’, as this notion is not backed up by a common political project, as was the case with catholicism (which became social christianity), socialism and, to a lesser extent, liberalism. Moreover, the subsidised institutionalisation of *laïcité* since 1981 (the seventh conception, the first non-religious one, to be secular since the country's independence), took place about a century after the phenomenon of ‘pillarisation’ had emerged in Belgium.⁵ Consequently, beyond the fact that the values promoted by *laïcité* may well cut across the various pillars mentioned, it would be anachronistic to speak of a ‘secular pillar’. Moreover, a philosophical like-mindedness is not enough to constitute a pillar.⁶ Rather, as stated by Witte, it is a “community”,

3 See, in addition to the references mentioned below, see “Les religions et la laïcité en Belgique,” Observatory of Religions and Secularism, Université Libre de Bruxelles, 157–163, last modified in 2020, https://o-rela.ulb.be/images/stories/RAPPORTS_ISSN_alternative/RAPPORT_ORELA_2020.pdf.

4 Claude Javeau, “Belgique: la laïcité ecclésialisée,” *Laïcité et sécularisation dans l'Union européenne*, edited by Alain Dierkens and Jean-Philippe Schreiber (Brussels: Editions de l'Université de Bruxelles, 2006), 83–88 (*Problèmes d'histoire des religions*, XVI).

5 For a historical analyses of this process and its origin, see Caroline Sägesser and Jean-François Husson, “La reconnaissance et le financement de la laïcité,” *Courrier hebdomadaire du CRISP* 11, no. 1756 (2002): 5–43; see Niels De Nutte, “Une Belgique en faveur de la non croyance organisée. L'humanisme séculier est-il l'Église subventionnée des « sans religion?,” in *L'État et la religion dans l'espace public: approches pratiques et théoriques de la laïcité*, edited by Jérôme Grosclaude (Rouen: PURH, 2021).

6 Karel Dobbelaere, Jaak Billiet and Roger Creyf, “Secularisatie en verzuiling in de Belgische politiek,” *Res Publica* 20, no. 3 (1978): 407–431; Jaak Billiet, “Verzuiling, ontzuiling, verzuiling in België,” *Ons Erfdeel* 17, no. 3 (1974): 349–357. In contrast to this perspective, some works remain attached to the concept of ‘pillarisation’ applied to the contemporary context, such as Lynn Bruyère, Anne-Sophie Crossetti, Jean Faniel and Caroline Sägesser, ed., *Piliers, dépillarisation et cliques philosophiques en Belgique* (Brussels: CRISP, 2019). This issue is all the more sensitive be-

made up of a liberal and bourgeois bloc joined by a socialist tendency but, at the heart of a climate of internal contradiction, far removed from the concentric arrangement of the catholic pillar.⁷

In fact, since the initial subvention of 1981, the French-speaking secular associations making up the *Centre d'Action Laïque* (Center for Secular Action – CAL, set up in 1969) have been secularised as a ‘cult’ in their own right. It was in the 1960s, quite early if we consider the problem in an international context, that the first legal measures were taken to regulate non-confessional assistance, which later became an important aspect of the 2002 finance law of *laïcité*. In addition to the numerous associations and public debate that had emerged since the nineteenth century in favour of civil burials, cremation (the subject of recent research),⁸ euthanasia,⁹ abortion and the movement to secularise oaths in the legal field, the issue of moral assistance (while chaplaincies had long existed in so-called ‘closed’ institutions, i.e. the army, hospitals and prisons)¹⁰ was taken on by the Royal Decree of 23 October 1964.¹¹

The aim was to provide a framework for non-confessional or non-religious moral assistance to prisoners and also set standards that hospitals and their serv-

cause, when a Belgian researcher travels abroad and deals with the relationship between religion and the state, he or she is immediately associated with the context of ‘polarisation’, a term which, in the eyes of foreign colleagues, seems to summarise the ‘Belgian model’. However, this model is mainly applicable to part of Belgium’s contemporary history (from the end of the nineteenth century to the 1980s), with phenomena of aggregation, disaggregation and major limitations (the dubious hypothesis of a ‘secular pillar’).

7 Els Witte, “De specificiteit van de verzuiling langs vrijzinnige zijde. De inbreng van de historische dimensie,” *Belgisch Tijdschrift voor Nieuwste Geschiedenis* 1 (1982): 23–58. In recent years, the usage of the word ‘community’ to describe these groups in Belgium has come under scrutiny, see Jeffrey Tyssens and Niels De Nutte, “Comparative Humanisms: Secularity and Life Stances in the Post-War Public Sphere,” *Looking Back to Look Forward: Organised Humanism in the World: Belgium, Great Britain, The Netherlands and the United States of America 1945–2005*, edited by Niels De Nutte and Bert Gasenbeek (Brussels: ASP, 2019), 151–172.

8 Jeffrey Tyssens, “Early Secular Burials in 19th-Century Flemish Provincial Towns,” *Secular Studies* 4, no. 1 (2022): 42–70 (special issue *Secularity and Belgium’s Death System 1850–1950*, edited by Jeffrey Tyssens, Christoph De Spiegeleer and Niels De Nutte).

9 Niels De Nutte, “Societal Attitudes and Popular Opinion on Medical Aid and Dying in Belgium,” *Secular Studies* 4, no. 1 (2022): 71–92.

10 John Bartier, “Anticléricalisme, laïcité et rationalisme en Belgique au XIX^e siècle. Orientation bibliographique,” *Colloque: Sources de l’histoire religieuse de la Belgique, Bruxelles, 30 novembre – 2 décembre 1969* (Leuven: Nauwelaers, 1968), 46–63 (*Cahiers CIHC*, 54).

11 In the case of prisoners, the often mentioned Royal Decree of 21 May 1965, published in the *Moniteur belge*, 25 May 1965, applies.

ices had to meet.¹² A circular letter issued in the wake of this decree on 3 April 2008, stressed that patients must be informed of their rights as soon as they enter the hospital. In this circular letter to hospital managers, we find a duplicate of the form to be completed by patients, offering them several contact addresses (the dioceses, the *Fondation pour l'Assistance Morale Laïque* for “non-confessional moral or philosophical opinions”, the *Consistoire Central Israélite de Belgique*, the *Comité Central du Culte Anglican en Belgique*, the *Synode de l'Eglise Protestante Unie de Belgique*, the *Ecumenical Patriarchate of Constantinople* and the *Exécutif des Musulmans de Belgique*).¹³

The Path to Secular Moral Guidance

The issue of seculars and *laïcité* in the hospital environment has been the subject of more research in France than in Belgium.¹⁴ This may have been motivated by the fact that over the last ten years or so, there has been a proliferation of booklets, vade-mecums and charters on secularism or *laïcité* in schools, the public transport companies, and, in 2016, in hospitals as well (under the auspices of the *Observatoire de la Laïcité*, which was to be dissolved in April 2021). Since the *Ancien Régime*, hospitals had been the responsibility of catholic congregations. They were run by lay people (who were very poorly paid) and the congregational supervisors generally exceeded the dosages recommended by the Faculty of Medicine; they were more concerned with the soul than the body and paid little attention to basic hygiene (the Paris City Council made this a subject of debate around 1880).¹⁵

12 On moral assistance in Belgium, a useful point is made in Sägesser and Husson, “La reconnaissance et le financement de la laïcité,” 9–102.

13 Assistance morale, religieuse et philosophique aux patients hospitalisés, “cellule stratégique de ministre des affaires sociales et de la santé publique, last modified 3 April 2008, <https://www.catho-bruxelles.be/wp-content/uploads/2022/10/circulaire-De-Saeger.pdf>.

14 Tyssens and De Nutte, “Comparative humanisms: Secularity and Life Stances in the Post-War Public Sphere,” 161; Jean-Pierre Chantin, “La laïcité en milieu hospitalier et dans les structures sociales et médico-sociales,” *Histoire, morale et cultures religieuses* 41 (2017): 111–118; Séverine Mathieu, “Quelle laïcisation de la médecine française au XIX^e siècle ?,” *Histoire, morale et cultures religieuses* 41 (2017): 353–371; Christian Chevandier, “Laïciser les hôpitaux. Les rythmes de la société et du politique,” *Politiques de la laïcité au XX^e siècle*, edited by Patrick Weil (Paris: PUF, 2007), 373–389.

15 Jacqueline Lalouette, “Expulser Dieu: la laïcisation de l'école, des hôpitaux et des prétoires,” *Mots* 27 (1991): 27, 23–39.

The Parisian *Hôtel-Dieu* was secularised in 1879, when it was decided that ministers of religion would no longer be members of hospital committees. The secularisation of medical assistance in the French capital (with hospitals like Bicêtre, Pitié-Salpêtrière, Lariboisière) took hold in the last quarter of the nineteenth century.¹⁶ The first secular nursing school was founded in 1907. Article 2 of the Law on the Separation of the Churches and the State of 9 December 1905 stipulated that chaplaincy services in closed institutions would be envisaged under the auspices of the Republic (hospitals, boarding schools, prisons, asylums and barracks).¹⁷ However, what used to be known as ‘social work’, which was increasingly removed from the religious sphere, still escaped this recognition and it was only in the 1960s that the gap became more and more apparent. The professionalisation of these social and medico-social structures was regulated by the law of 30 June 1975. However, the hospital remained a place charged with religion. Suffering, chance and pain all contribute to this dimension.¹⁸

But let us return to Belgium. It is interesting to see that the question of whether or not to mention the term ‘*laïque*’ was already being raised in the 1960s. The preferred notion became ‘non-confessional morality’, in line with a larger lexicon of words expressing a negation of religion. Speaking in terms of ‘non-confessional’ rather than ‘secular’ (at least in legal settings) is easy to explain. Indeed, if we stick to the French notion of ‘*laïque*’ (which is the closest to ‘secular’), religious communities and abbeys that were not recognised by the law of 4 March 1870 on the temporal status of religions (voted in by a liberal Frère-Orban administration) could apply for recognition by the state, i.e. direct funding. This raises the question of the secularisation of recognition as well as its unexpected effects.¹⁹ The purpose of this 1870 law was to ratify the legal regime in force since the Imperial Decree of 30 December 1809 on the organisation of the *fabriques d’églises*. The Concordat of 15 July 1801 and the organic articles of 8 April 1802, were abolished by the Constitution of 7 February 1831. The secular framework as it is construed in Belgium is based on two main principles. Firstly, the emancipation of the Churches from the State (article 21, paragraph 1, formerly article 16, paragraph 1 of the Constitution) in terms of the appointment of clergy and respect for the secrecy of correspondence within that same sphere. Secondly, it supports the idea of public funding of religious denominations (article 181, paragraph 1, formerly article 117). As Leo XIII

16 Lalouette, “Expulser Dieu: la laïcisation de l’école, des hôpitaux et des prétoires,” 27, 23–39.

17 Loi du 9 décembre 1905 concernant la séparation des Églises et de l’État last modified 26 August 2021, <https://www.legifrance.gouv.fr/loda/id/LEGISCTA000006085397>.

18 Jean Baubérot and Raphaël Liogier, ed., *Sacrée médecine. Histoire et devenir d’un sanctuaire de la Raison* (Paris: Entrelacs, 2010).

19 *Moniteur belge*, 9 March 1870, 905–906.

said, this system “combines the advantages of unity samewith the benefits of independence”. However, the liberal ministers of the nineteenth century felt that the decree of 1809, which governed the the practical organisation of the *fabriques*, had fallen into disarray. They had long since wanted a law to mediate the situation. The law of 4 March 1870 on the temporality of religious denominations, the legislative lock on the Belgian system of religious denominations, fulfilled this wish. From then on, the Catholic Church was obliged to submit the budgets and accounts of the *fabriques*. The impact of the law on Protestant and Jewish denominations was more significant: this situation strengthened the synodal structure, while the Central Committee of the Anglican denomination was established as a consequences of this law (civil personality was granted to each recognised community).²⁰ Historian Hervé Hasquin argued against enshrining *laïcité* in the Belgian Constitution precisely for this reason, underpinned by a law dating back to the end of the nineteenth century.²¹ The terms ‘non-confessional moral’, ‘non-confessional thought’ and ‘*Conseil Central des Communautés Philosophiques Non-confessionnelles de Belgique*’ (even though, in Dutch, the concept of ‘philosophical conception’ were included, i.e. *levensbeschouwing*).

For its part, the *Service Laïque d’Aide à la Personne* (Secular Service for Personal Aid – SLP), and its president, Stéphane Nelissen, helped to set up a secular moral assistance service in French-speaking Belgium. From the 1980s onwards, in the framework of the federalisation of the Belgian state apparatus, personal assistance was transferred to the communities (i.e. one of the subdivisions within the Belgian federal state structure). This led the secular sphere to split into two non-profit associations (organised under the law of 27 June 1921). On the French-speaking side, the SLP was set up in 1988, while on the Dutch-speaking side, the *Stuurgroep Morele Bijstand* was founded in 1995. These two associations are now members of CAL and its Dutch homologue deMens.nu (formerly *Unie Vrijzinnige Verenigingen* [UVV]). This service objective was part of the programme of the president of CAL, René Toussaint, who wanted the Foundation for Moral Assis-

20 Caroline Sägesser, “Retour sur la loi du 4 mars 1870, pierre angulaire du régime des cultes belge,” in *Questions d’histoire politique de Belgique. Liber amicorum Paul Wynants* (Namur, Brussels: CRISP, Université de Namur, 2022), 78–98. The historian from Brussels, Frans Van Kalken, himself sensitive to anti-clerical liberalism (without being anti-religious), writes about Frère-Orban: “La surface de cette trame se limite à l’indépendance réelle du pouvoir civil, aux devoirs de l’État en matière scolaire, au culte de la laïcité étroitement associé aux vertus civiques et à la pratique des grandes libertés modernes”. See Frans Van Kalken, “Notice sur Walthère Frère-Orban,” *Annuaire de l’Académie royale de Belgique* (1952): 104.

21 Hervé Hasquin, “La Belgique est-elle un État laïque?,” *Bulletin de la Classe des lettres et des sciences morales et politiques de l’Académie royale de Belgique* 1–6 (2007): 95–126; Hervé Hasquin, *Inscrire la laïcité dans la Constitution belge ?* (Brussels: Académie royale de Belgique, 2016).

tance to Prisoners (created in 1964) to be enriched by a *Fondation pour l'assistance morale laïque*. This bilingual public utility establishment was founded on 23 September 1971, and became an official public utility foundation in 2002. On the French-speaking side, moral assistance is organised by the foundation in conjunction with the SLP and thanks to the support of volunteers. The CAL's regional associations regularly help the SLP's regional nonprofit associations.²² As for the *Conseil central laïque* (Central Secular Council – CCL) uniting the seculars from both language groups, it has gained in importance, notably through its recognition by public health minister Rudy Demotte in 2006. On the Dutch-speaking side, the *morele consulenten* have existed since the 1980s; they are linked to deMens.nu and their training is provided by the *Vrije Universiteit Brussel* and Ghent University (whereas the *Université Libre de Bruxelles* is responsible for the French-speaking part).²³

In 1973, a decisive time for our present purposes, the christian democratic Minister of Public Health, Jozef De Saeger (1911–1998), was the author of a ministerial circular letter (amended on 13 March 1997, as explained above) providing for the organisation of moral, religious or philosophical assistance in the hospital sector, based on the principle that it could henceforth be up to lay people who were not priests to provide catholic service alongside clerics, who until then had been the only ones authorised to perform this function.²⁴ Belonging to the left wing of catholicism and having entered politics after the war, De Saeger, was a convinced federalist and was involved in issues relating to unemployment and social legislation. He was one of the architects of the modernisation of public aid to the most disadvantaged (notably by introducing the minimum wage). The minister was particularly sensitive to patients' rights and his action helped to nurture the idea that in Belgium, patients' rights were born in the bosom of secular organisations. However, it is important to understand that the SLP is not enjoying some kind of monopoly on moral assistance. In the same vein, it is to be remembered that the CAL is not the repository of all secular action. What we see – unsurprisingly – in the CAL's publications (such as one of 2010), which oscillate between analysis, testimony and militancy, is the interesting idea that the secular 'counsel-

22 The first chairman of the Foundation was Robert Dille, while the minister responsible for this area was Louis Namèche, who held the portfolio of public health.

23 On this subject, see the following publication, one of the few to deal with our question from a point of view that oscillates between cold analysis and secular militancy. It is a very interesting printed source. *Aider en laïque. Quarante ans d'assistance laïque d'aide aux personnes* (Louvain-la-Neuve: EME, 2010). For my purposes, the interest was mainly focused on Nélissen, "Quarante ans d'assistance morale laïque," 13–20; Mayer, "Timides précurseurs," 21–28; Porquet, "Le conseiller laïque, acteur de la santé communautaire. Des pistes pour demain," 37–46.

24 Etienne Cooreman, "Jos de Saeger," *Nouvelle biographie nationale* (Brussels: Palais des Académies, 2005), 8, 111–113.

lor' (there are about a hundred of them active today) is a 'timid precursor' of 'societal secularism'.

The latter term is interesting in itself and is part of a Belgian-centric lexicon of secularism. Former CAL president Pierre Galand once spoke of a "secular people", an expression that seems inconceivable in the French context and which, even in Belgium, carries a strong militant connotation. It could also be argued that society is not secular but that it is becoming secularised, while institutions are becoming "laicised".²⁵ The Foundation for Secular Moral Assistance was now able to appoint a secular 'counsellor' for places of detention. This 'counsellor' is often a volunteer, whereas the *délégué* ('delegate') is more commonly a professional. It is accepted that he/she is put in contact with the patient by the nurse or a social worker. The role of these secular actors is not unrelated to the definition of counselling (moral and psychological support). Over time, the CAL wanted to consolidate the legitimacy of the De Saeger circular letter. In 2010, the SLP wanted to transform it into a Royal Decree, in a context where lay counsellors are still volunteers, as opposed to hospital chaplains, said to be permanent and paid by their religious group.

The aim of this brief contribution, beyond these few considerations, is to understand the current issues involved in legitimising the moral, religious and philosophical assistance. As the only country where seculars are organised in this way, Belgium presents a special terrain in terms of moral assistance and help for the non-religious, which has been envisaged since 1973. Nurse and retired teacher Andrée Porquet chairs the *Service d'Aide aux Personnes* for the seven CAL regions.²⁶ In particular, she is responsible for establishing contact with the interdenominational structures of the hospitals where the CAL has been mandated to work. A key question for her is how to work on an interfaith platform with representatives of traditional religions. And, more crucially, how can patients' rights be integrated with fundamental rights at large? In the past, the bishops had set up a platform in each hospital, but the CAL very quickly wondered how, in this context marked by the religions, to make its 'pro-active' *laïcité* heard? How to ensure the 'neutrality' (at least in CAL's very subjective sense) of public services? How to train staff members to make them compatible with a 'neutrality of public appearance' (a wording that is difficult to understand in concrete terms)? In the wake of a number of recent legal disputes, some jurists are emphasising the *intrinsically* plural nature that the principle of neutrality must adopt in the Belgian secular system, at the risk of being at odds with the reality of

25 Philippe Grollet, *Laïcité: utopie et nécessité* (Brussels: Labor & Espace de libertés, 2005); Jean Baubérot, "Laïcité/Laïcisation," *Dictionnaire des faits religieux*, edited by Régine Azria, Danièle Hervieu-Léger, Dominique Iogna-Prat (Paris: PUF, 2019), 672–676.

26 I would like to extend my warmest thanks to Andrée Porquet for the information she kindly shared with me during 2022, and for the documentation she made available to me.

society. Whether we are talking about ritual slaughter without stunning (the neutrality of abstention is powerless in the face of this practice), the wearing of religious symbols in public education (in a ruling of 4 June 2020, the Constitutional Court expressed itself for the first time on this subject, defending the shift from pluralist neutrality to a plurality of forms of neutrality) or neutrality in private companies, this trend is being confirmed.²⁷

This neutrality was again highlighted during the period when Flemish liberal Maggie De Block (2014–2020) headed the ministry of social affairs and public health: she wanted to see an organisation of health ‘pools’ (or groupings of hospitals) based on their christian or public characters. In any case, it is envisaged that the assistance service must be neutral, with due respect for patients’ rights. That said, and this is a central point in the problem of neutrality and its differentiated application across institutions, each hospital has an Ethics Committee with its own dominant sensitivities. We are, therefore, living under a regime of profound *fragmentation* of the hospital field, coupled with a *fragmentation* of the field of moral and religious assistance. The *Service d’Aide aux Personnes* has a representative in every hospital, through the intermediary of this ethics committee, whether public or not. According to Andrée Porquet, there are a number of issues of an ethical nature that give rise to differences of opinion within these bodies. Although euthanasia has been legal in Belgium since 2002, a doctor can still raise a conscientious objection to it. The same applies to the practice of voluntary termination of pregnancy (decriminalised in 1990). A doctor can refuse to supervise its administration themselves, but the institution to which they belong cannot circumvent the law. Organised secularism has been confronted with this question of conscientious objection, which is crucial in terms of moral assistance, although the 1990 affair had an impact that needs to be reassessed.

A Desire for Legislation?

Since the early 1980s, a number of liberal politicians have been pushing for a law authorising abortion, including Senator Lucienne Herman-Michielsens (together with socialist Senator Roger Lallemand).²⁸ This was one of the rare occasions

27 Stéphanie Wattier and Léopold Vanbellinghen, “L’arrêt n°81/2020 de la Cour constitutionnelle: de la neutralité pluraliste à la pluralité des formes de neutralité?,” *Tijdschrift voor Onderwijsrecht en Onderwijsbeleid* 4 (2020–2021): 333–340.

28 Karen Celis, “The Abortion Debate in Belgium,” in *Abortion Politics, Women’s Movements, and the Democratic State. A comparative Study of State Feminism*, edited by Dorothy McBride Stetson (Oxford: Oxford University Press, 2003), 39–62, 53.

when a bill was initiated by the legislature (and not the administration). The bill was drafted and presented on 6 April 1986, but it was put on ice until 1989, notably under pressure from the social christian parties (PSC/CVP), in particular, the Flemish CVP party to which Prime Minister Wilfried Martens belonged. Martens opposed the bill on grounds of religious morality. Until March 1990, the King did not express himself clearly on the question to his Prime Minister. Everyone knew of the King's deep catholic faith.

Then a dramatic turn of events occurred. On 30 March 1990, the day after the bill was approved by the House, the King presented his Prime Minister with a draft letter in which he clearly refused to sign the document. Martens told him that he could not offer him his resignation at that precise moment, at the risk of provoking a constitutional crisis. He therefore asked him to reword his letter, asking him to insert a wish for a legal solution to the problem, reconciling the King's conscientious objection with the proper democratic functioning of the country. The fear was that the government's resignation would lead to general elections in which the King and his office would be at stake.²⁹ At this stage, Prime Minister Martens knew that, basically, the only solution would be to trigger Article 82 of the Constitution, which provided for the eventuality of the King being "unable to reign" (in 1831, this was thought to be a loss of his mental faculties, etc.).³⁰ The ministers would then be responsible collectively for initiating this procedure, convening the Chamber, before a regency – a sort of interregnum – was provided for.³¹ Martens presented this solution to André Alen, member of his cabinet and professor at the *Katholieke Universiteit Leuven*. He was not opposed. The King also agreed.³² The signing of the law took place during the night of 3 to 4 April 1990, in the Council of Ministers. For a

29 A few weeks earlier, during a state visit to Switzerland, the King was travelling with his Minister of Foreign Affairs, Mark Eyskens. He told him: "I would never sign such a law". Mark Eyskens, *À la recherche du temps vécu. Mes vies* (Brussels: Racine, 2010), 393–401.

30 Christian Behrendt and Martin Vrancken, "L'article 93 de la Constitution belge et l'impossibilité de régner du Roi: une disposition dépassée par son histoire," in *L'Europe au présent ! Liber amicorum Melchior Wathelet*, edited by Jonathan Wildemeersch and Paschalis Paschalidis (Brussels: Bruylant, 2018), 49–52. See also: Jean Stengers, *L'action du Roi en Belgique depuis 1831. Pouvoir et influence* (Brussels: Racine, 2014), 287–296.

31 This is where a historian comes in. Jean Stengers, a professor at the *Université Libre de Bruxelles*, wrote a book in 1980 in which he reviewed the King's attitude at the start of the war. On 28 May 1940, Catholic Prime Minister Hubert Pierlot declared that the King was "unable to reign". This was to honour an unwritten rule of the State: When one of the three branches of legislative power fails, the other two take over. A ruling by the Court of Cassation validated this legal interpretation in 1944. See Jean Stengers, *Léopold III et le gouvernement. Les deux politiques belges de 1940* (Gembloux: Duculot, 1980).

32 Quoted in Wilfried Martens, *Mémoires pour mon pays* (Brussels: Racine, 2006), 173–178.

few hours, the ministers, who under the 1831 Constitution were deemed to be “responsible”,³³ embodied the sovereignty of the state, each being an ephemeral holder of an “equal part” of it.³⁴

I thought it useful to digress for a moment to 1990, because it clearly shows the importance of conscientious objection in the difficulties of devising fluid, if not systematic, legislation on the secularisation of the body in Belgium and, by extension, the secularisation of hospital care. At least from the point of view of organised seculars, there have been tensions in the context of public hospitals where nurses of the muslim faith or of evangelical christian sensibilities have been found praying with patients. This attitude, likened to proselytising, is strongly criticised by the CAL and its related bodies.³⁵ The difficulties observed in ‘welcoming’ secular counsellors in catholic hospitals are also a sensitive issue in this vast field of assistance.

The application of the De Saeger Circular letter has often been problematic. In a *Note* from the SLP and CAL to SLP trustees, written on 7 December 2012, this difficulty is highlighted. It is interesting to see that this document featured a quote from Voltaire at the top: “Our health is far too important a thing to be left to doctors alone”. Conveying the idea that a hospital is not only a place for treating the body as a biological being but also as a moral entity, this phrase, worthy of Molière, seems rather paradoxical in a document one would expect to have a rationalist tone. Over time, however, the latter has been enriched by a genuine ethics, which has penetrated the medical environment. The memo criticised the fact that patients’ right to moral support was only partially respected. The circular letter stipulated that a questionnaire must be submitted to patients when they enter a hospital, but the procedure was not systematically implemented. This right was guaranteed by law in prisons and the army: the request for the same in hospitals was also on the agenda. There was also a degree of inequality when it came to funding lay counsellors, who are often volunteers and sometimes receive compensation (up to €18.5 per hour), unlike chaplains from recognised religions, who receive direct or indirect subsidies. There was therefore a ‘variable-geometry’ secularisation system in the field.

This situation is all the more paradoxical as the political world has considered moral assistance the corner stone of organised *laïcité* since 1981, and even more

33 Paul Harsin, “La Constitution belge de 1831 et la responsabilité ministérielle,” *Revue d’histoire politique et constitutionnelle* 1 (1937): 164–177.

34 See the comments and criticisms of legal experts Francis Delperée and Rusen Ergéc, *Journal des Tribunaux*, October 5, 1991, 595–597; Delperée and Ergéc, *Journal des Tribunaux*, April 14–21, 1990, 595–597. Albert II did not echo his brother’s prohibitions or procrastination when it came to sanctioning the bill to decriminalise euthanasia, which was passed in 2002.

35 Documentation transmitted by Mrs. Andrée Porquet.

since recognition under the Constitution (Article 181) and the related law passed on 21 June 2002. Paragraph 2 of Article 117 (now 181) of the revised Constitution of 1993 provides for non-confessional philosophical communities (thus including *laïcité*) to live on an equal footing with recognised religions; this was implemented by the 2002 law, Article 3 of which states that the Central Secular Council “coordinates the organisation and provision of moral assistance according to a non-confessional philosophical conception”. This system involves collaboration between regional and provincial services and CAL (or deMens.nu in Flanders), as well as more specific sectors (hospitals, the army, airports, etc.). The 2002 law provides for the remuneration of French-speaking and Dutch-speaking staff, secular ‘delegates’, by the federal Ministry of Justice. Their number is determined by royal decrees.

There is a big gap between the norm and its application. The need for a law to regulate this assistance is becoming increasingly pressing. A number of parliamentary questions have been raised on this subject, such as the one by christian democratic ‘CD&V’ senator Mia De Schamphelaere on 31 October 2000.³⁶ She was particularly concerned about the information given to patients when they are admitted to hospital. She wanted to put an end to *de facto* discrimination in the quality of this information between chaplains, ministers of religion and secular counsellors. This was a quest for equality in the service of a neutrality that appears to be more incantatory than it might seem; you only have to go to a conference abroad to see our colleagues, even those who are very well informed about the Belgian secular system, reducing this situation to the magic terms of ‘pillarisation’ (as if this were the sole prerogative of Belgium, whereas the Netherlands has applied this rule in a sometimes more observant manner) and ‘neutrality’. Whether it is a question of the SLP or parliamentary projects, the aim is to push for the recognition of moral, religious and philosophical assistance as a form of care (one could think of the current debates on the recognition as care of anything other than chemotherapy in the treatment of cancer). It is also hoped that respect for religious convictions will be added to the 2002 law and that the 1973, 1990 and 1997 circular letters will be harmonised.

³⁶ Belgian Senate, session 2000–2001, *Questions et réponses*, Bulletin 2–26, Question n°864 de Mme Mia De Schamphelaere du 31 octobre 2000 à Magda Aelvoet, Ministre de la Protection de la consommation, de la Santé publique et de l’Environnement Santé publique, on the *Encadrement spirituel dans les établissements publics de soins. Budget. Règles de droit*. See <https://www.senate.be/www/?Mival=publications/viewSBlok&COLL=B&DATUM=%E2%80%9C05/12/2000%E2%80%9D&DOSID=33556005&MINID=186&LEG=2&NR=26&VTYP=svid&LANG=fr>.

Conclusion

Let us now draw some conclusions. In recent years, representatives of organised *laïcité* have reaffirmed the need to give greater legitimacy to moral assistance, in particular, by means of legislation. One example is the aforementioned speech by Andrée Porquet at the “Care and Secularism” symposium held at the Haute École Francisco Ferrer in Brussels on 20 April 2017. It is worth looking more closely at the arguments put forward, as well as the lexicon used to define secularism, the patient, the notion of care or, more broadly, a principle. *Laïcité* is defined as the separation between ‘civil society’ and ‘religious society’, which, in my view, opens the door to a number of questions. What does this notion of ‘religious society’ cover? Is ‘civil society’ synonymous with ‘secular society’ (in which case it would also have to be defined)? To speak of secularism as a constitutive element of society, and not of institutions, is more akin to ‘laicism’, i.e. a militant or at least exclusivist conception of the separation of the temporal and the spiritual, or to a conception that takes us back to the religious field, where seculars are to be distinguished from clerics.³⁷ Whatever the case, we are a long way from the paradigm whereby a process of ‘laïcisation’ implies a distancing of public institutions from religion, and whereby a process of secularisation, concerning society, testifies to a liberation from dogmas on the part of populations formerly imbued with them in their daily lives. However, we should not be surprised by these expressions. The CAL readily speaks of a “secular people” or a “secular society”. Another salient point in the nurse’s speech concerns “secular public health policy”.

Another important point is the increasing clarification and recognition of the status of patients attached to philosophical conceptions of atheism or agnosticism. These last two terms are rarely used in the documentation consulted, but they do cover a social reality. Sometimes, in response to a request for moral support, a priest is invited to attend due to a lack of personnel. This shows the extent to which the famous ‘ecclesialised secularism’ of 1981 does not necessarily embody the principle of equality in the face of illness or death. Sociologists are still unfamiliar with this kind of problem because, in France as in Belgium, while the history of atheism has been the subject of recent research,³⁸ a genuine current sociology of atheism, agnosticism or indifferentism, particularly in France (which could include a sociology of secularism and secular movements), has yet to be written.

³⁷ This exclusivist option is developed in Philippe Portier, *L’État et les religions en France. Une sociologie historique de la laïcité* (Rennes: PUR, 2016).

³⁸ Patrice Darteville and Christoph De Spiegeleer, ed., *Histoire de l’athéisme en Belgique* (Brussels: ABA Editions, 2021).

It seems to me that a central problem is the paradoxical situation of moral and religious assistance in the wider field of relations between the spiritual and the temporal. Even as it is, a capital lock of organised *laïcité*, moral assistance seems to be lagging behind in terms of legislation. Indeed, fights in favour of abortion or euthanasia have often been (or still are today) marked by very lively, embodied, corporeal debates, just like the issues themselves. The decisions that are supposed to be taken at the end of these debates generally lead to laws being passed in parliament. It is precisely a law, beyond royal decrees, ministerial circular letters or charters, that moral and religious assistance lacks. This is another area where recognition is needed. For the time being, this issue remains largely governed by flexible regulation. However, this flexible regulation is not without consequences. As we have seen in France, the charters of *laïcité* in schools and hospitals, through the freedom they give to the management of establishments, allow real ‘values’, rather than ‘principles’, to influence the conception of secularism in an institution.

Finally, another phenomenon that would require a fascinating study, both historical (although this field has already been well studied) and memorial, is Belgium’s thwarted and traumatised (consciously or not) relationship with certain ethical issues, as well as the disappearance of the memory of certain secular struggles within the current components of this philosophical option such as the UVV, Dutch-speaking equivalent of the CAL, founded in 1966, association in 1971. Although it is often associated with a liberal conception of the politics of the body or of intimacy (the 2002 law on euthanasia seems to be the symbol and guarantor of this), it is worth asking whether the memory (or absence of memory) of the school wars, the 1990 precedent concerning abortion, the fear of stigmatising the muslim or catholic population in the hospital context (especially since the 2010s), as well as the independence of doctors (their conscientious objection) with regard to the ethics committees of each hospital, all contribute to slowing down a genuine legislative process, which has long since been lagging behind on the wider secularised nature of the Belgian populace. A reflection on the culture (or lack of culture) of the memory of secular organisation and activism in Belgium would be of great interest.

Alain Vannieuwenburg

Disentanglement of Church and State: The Grand Duchy of Luxembourg

The discussions about the position of religions in the face of secularisation, their financing, the fundamental values of the rule of law or the strengthening of a constitutional culture are indicative of the changing vision of the relationship between religion and the state.

In the Grand Duchy of Luxembourg, the changed social conditions, including secularisation, triggered a rethinking of this relationship. A survey in 2008 found that between 1999 and 2008, the percentage of people identifying themselves as catholic fell by 12.7 points, while the number of people identifying themselves as non-religious increased by 13 points. It was seen as a clear proof of the erosion of the dominant position of the Catholic Church in Luxembourg.¹

A repositioning and updating of the system were considered necessary. This included constitutional modifications as the Constitution of 1868 contains several articles enshrining the relationship between state and church. Besides Articles 19, 20, 21, 26 and 110,² Articles 22 and 106 should be noted. Article 22 states that the intervention of the state in the appointment and installation of religious leaders, the method of appointment and dismissal, the right of each to correspond and to publish their acts, as well as the relations of the church with the state, are the subject of agreements to be submitted to the Chamber of Deputies for the provisions requiring its intervention. Article 106 provides that the salaries and pensions of ministers of religion shall be borne by the state and shall be regulated by law.

Starting in the 1980s, the procedure of unilateral recognition was abandoned in favour of conventions. On 15 June 1982, an agreement was concluded between

1 Monique Borsenberger and Paul Dicks, “Religions au Luxembourg. Quelle évolution entre 1999–2008?,” *Les Cahiers du CEPS/INSTEAD. Population & Emploi* 2 (2011).

2 “Constitution du Grand-Duché de Luxembourg 1868,” <https://legilux.public.lu/eli/etat/leg/constitution/1868/10/17/n1/jo>. Article 19. La liberté des cultes, celle de leur exercice public ainsi que la liberté de manifester ses opinions religieuses, sont garanties, sauf la répression des délits commis à l’occasion de l’usage de ces libertés. Article 20. Nul ne peut être contraint de concourir d’une manière quelconque aux actes et aux cérémonies d’un culte ni d’en observer les jours de repos. Article 21. Le mariage civil devra toujours précéder la bénédiction nuptiale. Article 26. Les Luxembourgeois ont le droit de s’associer. Ce droit ne peut être soumis à aucune autorisation préalable. L’établissement de toute corporation religieuse doit être autorisé par une loi. Article 110. Aucun serment ne peut être imposé qu’en vertu de la loi; elle en détermine la formule. Tous les fonctionnaires publics civils, avant d’entrer en fonctions, prêtent le serment suivant: Je jure fidélité au Roi Grand-Duc, obéissance à la Constitution et aux lois de l’État. – Ainsi Dieu me soit en aide.

the government and the Protestant Reformed Church of Luxembourg. Over 15 years later, conventions were ratified again, two with the Archdiocese,³ one with the Jewish community, one with the Protestant Church and one with the Hellenic Orthodox Church. This was followed by agreements with the Anglican Church, with the Hellenic Church and with the Romanian and Serbian Orthodox Churches of Luxembourg.⁴

The Luxembourg system distinguishes between conventioned and non-conventioned communities. Three principles guide the relationship between the state and religious communities: they are separate from one another, relations are regulated by law, and the pension and remuneration of ministers of worship are borne by the state and regulated by law.

Political Initiative: The Creation of a Reflection Group

On 7 June 2011, the Luxembourg Chamber of Deputies organised a debate on the relationship between the government and religious groups. Minister François Biltgen defended the principle of ‘open neutrality’, the necessary condition for maintaining the intercultural and interreligious dialogue. Communalism was to be avoided. Religious values could not take precedence over secular values.

3 Loi du 10 juillet 1998 modifiée portant approbation de la Convention du 31 octobre 1997 entre le Gouvernement, d’une part, et l’Archevêché, d’autre part, concernant l’organisation de l’enseignement religieux dans l’enseignement primaire. Loi du 10 juillet 1998 portant approbation de la Convention du 31 octobre 1997 entre le Gouvernement, d’une part, et l’Archevêché, d’autre part, portant refixation des cadres du culte catholique et réglant certaines matières connexes. https://www.stradalex.lu/fr/slu_src_publ_leg_mema/toc/leg_lu_mema_199808_66/doc/mema_1998A13181.

4 Convention of 31 October 1997 – Jewish communities of Luxembourg, approved by the Law of 10 July 1998; Convention of 31 October 1997 – Protestant Church of Luxembourg, approved by the Law of 10 July 1998; Convention on the recognition of the Protestant Reformed Church of Luxembourg, the granting of legal personality to the latter and the determination of functions and employment remunerated by the state of 15 June 1982, approved by the Law of 23 November 1982; Convention of 27 January 2003 Anglican Church of Luxembourg, approved by the Law of 11 June 2004; Convention of 31 October 1997 Hellenic Orthodox Church, approved by the Law of 10 July 1998, in the Addendum of 27 January 2003 making this Convention applicable to the Serbian and Romanian Orthodox Churches, Ecumenical Patriarchate of Constantinople.

https://www.stradalex.lu/fr/slu_src_publ_leg_mema/toc/leg_lu_mema_199808_66/doc/mema_1998A13181;

<https://gouvernement.lu/dam-assets/fr/actualites/articles/2015/01-janvier/20-cdp-accord/Convention.pdf>.

A motion concerning the creation of a reflection group was adopted. This group met between March and August 2012, organising hearings and meetings both with actors from the political field and with religious communities, organisations defending secularism or advocating humanist ideas. On 3 October 2012, a substantiated report on the relationship between the government and religious and philosophical communities was handed over to Minister François Biltgen.⁵ This report took stock of the status and funding methods of philosophical communities in Europe and then focused on Luxembourg, concentrating on the historical, legal, and financial aspects.

The experts concluded that the system was technically working properly. At the same time, it was noted that it was increasingly subject to criticism. The system was rigid, outdated and lacked transparency. It was based on the principle of recognition without question or recognition based on a negotiated convention. The system of recognition through conventions was described as inflexible: it did not allow responsiveness to societal changes.⁶

The report stressed the importance of respecting some basic principles, including positive and negative freedom of religion, the principle of autonomy of organisations, the neutrality and impartiality of the government, and equality and non-discrimination of citizens and religious communities.⁷ The experts highlighted a number of problems.⁸ The legislative framework clearly favoured the Roman Catholic Church.⁹

The experts suggested unambiguous recognition criteria. Recognition could take place in phases. In a first phase, via the registration of the community con-

5 Francis Messner, Jean-François Husson and Caroline Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg* (Luxembourg: Ministère d'Etat Luxembourg, 2012), <https://gouvernement.lu/dam-assets/fr/actualites/communiques/2012/10-octobre/03-rapport/rapport.PDF>

6 Messner, Husson and Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 73.

7 Messner, Husson and Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 74.

8 Messner, Husson and Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 119.

9 Messner, Husson and Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 119.

cerned; in a second phase, the recognition itself via a convention.¹⁰ Equal access to funding for communities by municipalities, either by abolishing the obligations arising from the 1809 *décret impérial*,¹¹ or by extending them in a new legal text, could also be achieved. To eliminate inequality, the system of recognition and funding needed to be extended to non-denominational philosophical communities.¹²

Regarding the preservation of churches for catholic worship, the declining use, and the reduction in the number of priests was pointed out. Change of use, or profane use needed to be considered. The group of experts also examined the educational system and the legislative changes. Primary education is organised under a law of 10 August 1912, amended by a law of 10 July 1998. Article 22 states that education proceeds with respect for the religious, moral, and philosophical views of others.¹³ Basic education curricula pay attention to moral and social education and religious and moral education.

The law of 10 May 1968 reforming secondary education provided a course in religious and moral instruction and a course in secular ethics. After amendments made by the law of 10 May 1968 and by the law of 16 November 1988,¹⁴ the regula-

10 Messner, Husson and Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publics et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 95.

11 "Décret impérial (N° 5777.) concernant les Fabriques. Au palais des Tuileries, le 30 Décembre 1809," <https://data.legilux.public.lu/filestore/eli/etat/leg/dec/1809/12/30/n1/jo/fr/html/eli-etat-leg-dec-1809-12-30-n1-jo-fr-html.html>.

12 Messner, Husson and Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publics et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 97.

13 Loi du 10 juillet 1998 portant modification des articles 22, 23 et 26 de la loi modifiée du 10 août 1912. Article 1er. La loi modifiée du 10 août 1912 concernant l'organisation de l'enseignement primaire est modifiée comme suit: 1) L'article 22 est remplacé par les dispositions suivantes: « L'enseignement primaire a pour objectifs de faire acquérir aux enfants les connaissances et compétences de base leur permettant d'aborder des apprentissages et études ultérieures, de développer leurs aptitudes et de les élever dans un esprit de paix, de dignité, de tolérance, de liberté, d'égalité et de solidarité qui constitue le fondement de notre société démocratique. L'enseignement se fait dans le respect des opinions religieuses, morales et philosophiques d'autrui; <https://data.legilux.public.lu/filestore/eli/etat/leg/loi/1998/07/10/n6/jo/fr/html/eli-etat-leg-loi-1998-07-10-n6-jo-fr-html.html>.

14 "Loi du 10 mai 1968 portant réforme de l'enseignement secondaire titre VI. Art. 48. L'enseignement secondaire comporte un cours d'instruction religieuse et morale et un cours de morale laïque. . . ». Art. 49. Le programme de l'enseignement secondaire moderne: . . . l'instruction religieuse et morale, la morale laïque, . . ." "Loi du 16 novembre 1988 portant modification des articles 48 et 49 de la loi du 10 mai 1968 portant réforme de l'enseignement, titre VI: de l'enseignement secondaire et des articles 14 et 38 de la loi du 21 mai 1979 portant 1. organisation de la formation professionnelle et de l'enseignement secondaire technique. 2. organisation de la for-

tions of 10 August 1991 laid down clear objectives and guidelines.¹⁵ According to the experts, provision could be made for the extension of denominational education to all conventioned religions. Religious subjects could be replaced by an approach that, in a non-denominational way, introduced pupils to various doctrines. Classical religion classes could also be replaced by general cultural and religious courses.¹⁶ The committee paid attention to philosophical/moral guidance. The absence of guidance for those who could not find themselves in the offering was a concern. Adequate solutions should enable these people to be able to benefit from moral or religious assistance in accordance with their convictions.¹⁷

The different treatment of life stances and, more specifically, the observation that within the communities covered by a convention, the Roman Catholic Church enjoys a privileged status, were emphasised. Attention was also drawn to the increase in religious pluralism and secularisation.¹⁸ Minister Biltgen expressed the wish that adjustments should be made with special attention to equal treatment and respect for human rights.¹⁹

mation professionnelle continue.” Mémorial A n° 23/1968, Mémorial A n° 63/1988. <https://legilux.public.lu/eli/etat/leg/memorial>.

15 “Règlement grand-ducal du 10 août 1991 concernant les lignes directrices du programme, la durée et l’organisation du cours d’instruction religieuse et morale ainsi que la formation des enseignants chargés de ce cours. Règlement grand-ducal du 10 août 1991 concernant les lignes directrices du programme, la durée et l’organisation du cours de formation morale et sociale ainsi que la formation des enseignants chargés de ce cours.” <https://data.legilux.public.lu/filestore/eli/etat/leg/rgd/1991/08/10/n6/jo/fr/html/eli-etat-leg-rgd-1991-08-10-n6-jo-fr.html.html>.

16 Messner, Husson and Sägesser, *Rapport du groupe d’experts chargé de réfléchir sur l’évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 117.

17 Messner, Husson and Sägesser, *Rapport du groupe d’experts chargé de réfléchir sur l’évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 108.

18 Messner, Husson and Sägesser, *Rapport du groupe d’experts chargé de réfléchir sur l’évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 3.

19 “Publication du rapport du groupe d’experts chargé d’étudier les relations entre l’Etat et les communautés religieuses voire philosophiques au Luxembourg, le débat est lancé,” https://me.gouvernement.lu/lb/actualites.gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommuniques%2B2012%2B10-octobre%2B03-rapport.html.

Changed Parliamentary Majority in 2013, Liberal Mobilisation and Political Compromises

Elections, following the dismissal of Prime Minister Jean-Claude Juncker (christian social), were held in Luxembourg on 20 October 2013. Xavier Bettel (social liberal) replaced Juncker as prime minister after forming a coalition between his Democratic Party, the Luxembourg Socialist Workers' Party, and the Luxembourg's ecologist political party. The new coalition announced several reforms. One of these questioned the current relationship between the state and religious communities. In addition, there were also plans to organise an official, non-religious civil ceremony for the national holiday.²⁰

The entanglement between church and state clearly came under intensified pressure. On the budgetary front the possible expansion of the number of denominations was an area of concern for the government. On the broader societal level there was the debate about sexual abuse within the Roman Catholic Church, the growing attention to ethical issues, including the debate about euthanasia legislation. Other initiatives also pointed to a changing state of mind.²¹ The demand for reform has been there for a long time. In 2007 alliances, in favour of the separation of church and state, were formed.²² Citizens were informed about the possibility of being debaptized and in 2010 a petition, was launched focusing on the separation of church and state in Luxembourg.²³ An Alliance of freethinkers, Humanists, non-believers, Atheists and Agnostics was considered.²⁴ This Alliance of Humanists, Atheists and Agnostics (AHA) was founded on 13 May 2010, as a non-

²⁰ "The formation of the government 2013." <https://gouvernement.lu/en/dossiers/2013/gouv-2013.html>.

"Programme gouvernemental," <https://gouvernement.lu/dam-assets/fr/actualites/articles/2013/11-novembre/29-signature/Programme-gouvernemental.pdf>.

²¹ A bill for the legislation of same-sex marriages was enacted by the Chamber of Deputies in 2014. As of 1 January 2015, it became officially legal for same-sex couples to marry.

²² "Trennung von Kirche und Staat in Luxemburg." There were three issues that united these different organizations: the financing of faith communities, religious education in public schools, and the political influence of the Catholic Church; <https://hpd.de/node/3099>.

²³ "Pétition no 307 pour la séparation de l'Eglise et de l'Etat." The petition was officially accepted by the Committee on Petitions in 2011. Ordinary petition n°307 declared admissible by the Committee on Petitions on 12-07-2011; <https://wdocs-pub.chd.lu/docs/exped/184/241/128430.pdf>.

²⁴ AHA Lëtzebuerg (Allianz vun Humanisten, Atheisten und Agnostiker zu Lëtzebuerg. <https://www.aha.lu/>.

profit association.²⁵ It serves the interests of atheists, humanists, sceptics, and agnostics in the Grand Duchy and explicitly supports secular viewpoints.²⁶

The assertive profiling was clearly noticeable. In the spring of 2011, as part of the worldwide Atheist Bus Campaign, there was a campaign with the slogan “Just reliéis chosen? Stéi dozou!” (“Why should I stand by my non-religiosity?!”) asking people to manifest themselves as non-believers.²⁷ The campaign provoked heated reactions. In 2012, the AHA organised various public actions during Easter, including information about leaving the church.²⁸ This was done analogously to similar events in Germany, and with allusions to the Easter Bunny, as *Huesefest* (“Bunny Festival”). In 2013, AHA Lëtzebuerg, referring to the expert report on the future relations between the state and the religious communities, criticised the standstill (Did Juncker deliberately sweep it under the famous carpet?) and asked the political parties to make clear commitments to the financial separation of state and religion, as well as to the immediate introduction of neutral values for all pupils.

AHA’s demands on political parties in the context of the parliamentary elections of 20 October 2013 were made public.²⁹ Proposals for the adaptation of religious instruction were examined. In 2014, AHA, together with the Ligue Luxembourgeoise de l’Enseignement, the Liberté de Conscience, Maison de la laïcité, the Fédération générale des instituteurs luxembourgeois and the Syndikat fir Erziéung a Wëssenschaft am OGBL organised a seminar “Erziehen ohne Religion”.³⁰

Following the preparation of a referendum in 2015, a bill circulated on the desirability of maintaining Article 106 of the Constitution, which provides for the payment of the salaries of ministers of religion by the state.³¹ The constitutional requirement was hardly considered compatible with the widespread idea of the

25 AHA is a member of the European Humanist Federation and the International Humanist Federation.

26 “Konkret handeln.” <https://www.aha.lu/images/PresseSpiegel/Kulturissimo20110609nr99p9.pdf>

27 During December 2012, AHA Lëtzebuerg received her 4,000th request to leave the Catholic Church via the platform www.fraiheet.lu.

28 “Trennung von Kirche und Staat: Jetzt!” <https://www.aha.lu/index.php/news/pressemitteilungen/44-juncker-wahlen-elections>.

29 “Revendications de AHA aux partis politiques dans le cadre des élections législatives du 20 octobre 2013,” <https://www.aha.lu/index.php/news/pressemitteilungen/273-revendications-de-aha-aux-partis-politiques-dans-le-cadre-des-elections-legislatives-du-20-octobre-2013>.

See also “Nationalwahlen 2013. Di 6 konkret Forderungen vun AHA fir d’Wahlen vum 20. Oktober 2013 am Resumé.” https://www.aha.lu/images/Pressemitteilungen/2013-10-14_Courrier.pdf

30 <https://www.aha.lu/index.php/themen/trennung-kirche-staat?view=article&id=196>.

31 “N. 6738. Session ordinaire 2014–2015. Proposition de loi portant organisation d’un référendum national sur différentes questions en relation avec l’élaboration d’une nouvelle Constitution,” <https://wdocs-pub.chd.lu/docs/exped/176/320/137159.pdf>.

separation of state and church. At first, there seemed to be a political consensus to submit four proposals to the population. In the end only three questions remained (lowering the voting age to 16, the right of foreigners to vote and limiting to ten years the maximum period during which someone can continuously be part of the government). The fourth question of the referendum, namely the question relating to the financing of ministers of religion, in the light of a possible agreement on that matter, was not upheld. The non-binding referendum was held in Luxembourg on 7 June 2015. The three remaining proposals were rejected.³²

The majority and opposition reached an agreement on a new constitutional provision. This new article 117 stipulated that in religious and ideological matters, the state respects the principles of neutrality and impartiality by virtue of the principle of separation. The law regulates the relationship between the state and religious communities and their recognition. Within the limits and forms set by law, agreements to be approved by the Chamber may specify the relations between the state and recognised religious communities.³³ Luxembourg's constitutional lawyer Luc Heuschling said that there was no clear separation: it was a text open to many interpretations.³⁴ Regarding 'neutrality,' Heuschling stressed that Article 117 contained a false assumption, namely the idea that the state was 'neutral'. This is incorrect: the state is not ideologically neutral. The state guarantees human rights and democracy, which it defends and demands also vis-à-vis religions. The Venice Commission, charged with promoting constitutional law and democratic order in Europe, also paid attention to the possible reforms, citing, among others, the Commission consultative des Droits de l' Homme (CCDH) of the Grand Duchy.³⁵ In an opinion issued in

³² The withdrawal of that question suggests that the Roman Catholic Church was afraid of the revealingly low number of supporters the ballot would expose and therefore forced themselves into negotiations.

³³ "Commission des Institutions et de la Révision constitutionnelle. Procès-verbal de la réunion du 21 janvier 2015, P.V. IR 10. Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg. L'Etat luxembourgeois et la laïcité. Avis 1/2015." <https://ccdh.public.lu/dam-assets/avis/2015/Laicite.pdf>.

³⁴ "Keine absolute Trennung von Kirche und Staat." https://www.wort.lu/de/politik/keine-absolute-trennung-von-kirche-und-staat-54c288960c88b46a8ce520f0?utm_internal_campaign=magnet_related_articles.

³⁵ "CCDH. L'Etat luxembourgeois et la laïcité. Avis 1/2015." Pour renforcer la prise de conscience de l'importance de la relation «droits de l'homme-laïcité », la CCDH s'exprime pour une inscription claire et précise du principe de laïcité dans la constitution au même titre que l'article 1er de la constitution énonce que « Le Grand-Duché de Luxembourg est un État démocratique, libre, indépendant et indivisible ». <https://ccdh.public.lu/dam-assets/avis/2015/Laicite.pdf>; "Commission européenne pour la démocratie par le droit (commission de Venise) Luxembourg. Proposition de révision portant instauration d'une nouvelle constitution. Rapport de la commission des institutions et de la révision constitutionnelle (6.6.2018)," La CCDH estime que dans l'article 117 tel que

2015, the CCDH called for the Constitution to be supplemented by a clear and precise inscription of the principle of secularism.

Amongst other, AHA made itself heard in the discussion on the forthcoming revision of the Luxembourg Constitution, focusing on a review of the existing agreements between the religious movements and the government, a review of the existing funding mechanism, the introduction of a “value course” and a strict separation of church and state.³⁶ The debate was opened. A far-reaching reform and political compromise between the government and the religious communities seemed inevitable.

New Conventions

On 20 January 2015, Prime Minister, Xavier Bettel (also Minister of Religious Affairs), together with his colleagues Claude Meisch (Minister of Education, Children and Youth) and Dan Kersch (Minister of the Interior), presented the new agreement³⁷ between the Luxembourg government and the religious communities.

The Luxembourg government considered the religious authorities to have a public mission but argued that an update was imminent. *Ad hoc* adjustments had led to inequalities. There was also a budgetary problem and the need to move towards the proper and transparent spending of public funds. It was stressed that, in return for funding from the budget, the conventioned denominations should provide spiritual assistance to anyone who requests it.

Emphasising the need to ensure respect for constitutional rights and freedoms, public order and democratic values, the promotion of human rights and equality of all citizens, it was also pointed out that in view of sociological and demographic developments, it was necessary to add Luxembourg’s Muslim Community to the list of conventioned religious communities.

proposé se pose une question d’interprétation du terme « reconnaissance », pour autant qu’il soit prévu que l’Etat peut reconnaître des communautés religieuses. L’utilisation de ce terme pourrait laisser penser que l’Etat se prononce implicitement ou explicitement sur la légitimité de telle ou telle croyance religieuse, voire lui associe un jugement de valeur.

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2019\)001-f](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2019)001-f).

36 „Annäherung zwischen Regierung und Kirchen?“ <https://www.aha.lu/index.php/news/pressemitteilungen/55-regierung-kirche>;

“Réflexions sur l’accord entre le Gouvernement et les communautés religieuses.”

<https://www.aha.lu/index.php/news/pressemitteilungen/57-reflexions-accord>;

“CCAL - Organisation des neuen gemeinsamen Werteunterrichts.”

37 Convention entre l’État du Grand-Duché de Luxembourg et les communautés religieuses établies au Luxembourg; <https://gouvernement.lu/dam-assets/fr/actualites/articles/2015/01-janvier/20-cdp-accord/Convention.pdf>.

The Agreement

The agreement, concretised in the form of conventions (containing common provisions and specific provisions for each religion), governs the relationship between the State of Luxembourg and the Roman Catholic Church, the Israelite Community, the Protestant Church, the Muslim Community, the Anglican Church, and the Orthodox Churches. The conventions concluded on 26 January 2015 have a duration of 20 years.

The agreement sets the annual financial support for each religious community. The amounts of the existing financial envelopes were phased out. Overall, the state's financial support for religious communities would drop from €24.6 million in 2014, to €8.3 million, including €6.75 million for the Roman Catholic Church (compared to the envelope allocated in 2014 of €23.72 million).

A new course “value education” was introduced in primary and secondary schools, replacing the subjects of “moral and social education/training” and “religious and moral instruction”, the aim being to gradually lead the students to confront their experience and questions of life with answers derived from philosophical and ethical reflections, as well as from religious and cultural traditions.

A fund for the management of religious buildings of catholic worship was established. This fund would take over the responsibilities and functions of the church council and be solely responsible for the management of the buildings entrusted to the fund and for the management of all assets transferred to this fund. Co-financing by municipalities was excluded. The criteria guiding the recognition of the philosophical/religious denomination are the extent to which the denomination demonstrates social relevance, proves embedding in society and demonstrates a positive contribution to society.

Eligible denominations must respect and guarantee constitutional rights and freedom, public order and democratic values, the promotion of human rights and gender equality and equality. They exclude any member who acts or calls for an act contrary to respect for public order, human rights, and equal treatment. As Francis Messner emphasises, the Grand Duchy of Luxembourg applies the principle of *do ut des*. The support from the public authorities depends on the respect of the common values and the provision of spiritual care.³⁸

38 Francis Messner, “La réforme des cultes au Grand-duché du Luxembourg en 2015.” *Revue du droit des religions*, no 1 (2016), <http://journals.openedition.org/rdr/1081>.

Structure of the Agreement in Detail

The agreement is divided into three parts: provisions common to all denominations, provisions specific to a denomination and a section devoted to the duration of conventions and revocation. The common provisions apply mainly to organisation and functioning. Freedom of organisation is guaranteed (Article 2). However, there is an obligation to submit the appointment of religious leaders for approval (Article 3). Under Article 4, religious communities agree not to hire their employees at the expense of the state budget, as of the date of adoption of the agreement. From that date, all employees recruited by the religious community will receive a traditional employment contract. However, the state (Article 5) does guarantee to staff hired by religious communities before the entry into force of this agreement the provisions on salaries and pensions agreed at the time. Staff members are to assert their pension rights no later than upon reaching the age of 65 (Article 6). The allocation of the financial envelope itself, the advance payments scheme and the possible suspension of payments are part of the general conditions (Articles 7 and 8).³⁹

Conventionalised denominations must keep accounts in due form. Their accounts are audited by a company auditor, or by a commissioner (for accounts not exceeding €500,000). The accounts and the audit must be submitted to the competent minister.⁴⁰ Each convention simplifies and regulates administrative and financial relations between the government and religious authorities, aims for transparency, sets a budgetary envelope, and provides for transitional measures for staff (including clear pension arrangements). The convention with the Roman Catholic Church provides for the introduction of a common values education course and the installation of a Council of Conventioed Religions.⁴¹

39 “Convention entre l’État du Grand-Duché de Luxembourg et les communautés religieuses.” Article 7. La présente convention fixe pour chaque communauté religieuse un soutien financier annuel qui sera viré pour le 31 janvier au plus tard de l’année en cours. Le montant de ce soutien financier est fixé en fonction de l’importance des communautés religieuses. Il sera adapté aux variations de l’échelle mobile des salaires. Le montant du soutien financier sera viré progressivement au culte concerné dès qu’il dépassera la somme des traitements, charges patronales comprises, des ministres du culte concerné pris en charge en vertu du régime prévu à l’article 5. Art. 8. Le paiement de l’enveloppe budgétaire prévue à l’article précédent peut être suspendu si les communautés religieuses ne respectent pas les principes énoncés à l’article 2.

40 Article 11. Les comptes et le rapport du réviseur d’entreprise respectivement du commissaire aux comptes doivent être transmis jusqu’au 30 juin de l’exercice subséquent au Ministre des Cultes. Convention.

41 Article 17. “§3. Dans le contexte du développement curriculaire, le Ministère de l’Education nationale, de l’Enfance et de la Jeunesse entend mettre en place de nouvelles procédures qui garantiront la participation étroite de la société civile. Il va de soi qu’un futur Conseil des Cultes

Values Education

Religious education in public schools was organised in consultation with the archdiocese, which determined the content of the courses and proposed the school-teachers. This arrangement disappeared and a common values education course was introduced with effect from the 2016–2017 school year in the secondary schools.⁴² The programmes for this were defined by a national programmes commission and validated by the minister, who had, however, committed to involve the Council of Conventioed Religions, among others.

At a meeting on 18 November 2013, the representatives of the religions that had signed an agreement decided to create a council. This council acts as an official interlocutor with the government.⁴³ An updated version of the *Internal Procedure* was adopted in 2018.⁴⁴ Freethinkers, atheists, humanists and agnostics are not represented. The Alliance of Humanists, Atheists and Agnostics (AHA) always defended the position that church and state should be separated, and that the state should not subsidise religion.⁴⁵

The convention laid down the overall objective of the course, and defined how the objectives, competences, contents, and methodology would be defined and validated. The course would be part of the classical curriculum. The article also laid down which teachers would oversee the course.⁴⁶

comptera parmi les acteurs à être consultés régulièrement sur les questions philosophiques et religieuses.”

42 The new course replaced the existing “formation/éducation morale et sociale” and “instruction religieuse et morale” classes from the start of the 2016/2017 school year in secondary school and from the start of the 2017/2018 school year at elementary school.

43 <https://web.cathol.lu/1/services/centre-jean-xxiii-formation-recherche-dialogue-et-documentation/conseil-des-cultes-conventionnes-ccc/reglement-d-ordre-interne.html>.

44 Règlement d’ordre interne. Adopté à l’unanimité lors de la réunion du 14 juin 2018. <https://web.cathol.lu/1/services/centre-jean-xxiii-formation-recherche-dialogue-et-documentation/conseil-des-cultes-conventionnes-ccc/reglement-d-ordre-interne.html>.

45 Moreover, AHA felt that the recognition and funding of their philosophical community could have acted as a justification for the funding of religions, and they did not want to find themselves in such a position where their demand for “zero” funding of religions would become untenable, unjust, or at least incoherent.

46 Article 17. Le cours commun sera intégré dans le plan d’études comme branche régulière. Il sera assuré, en application du cadre législatif actuel de l’Education nationale:

- dans l’enseignement fondamental, par un enseignant ou, le cas échéant, par un chargé de cours de la réserve nationale des suppléants;
- dans l’enseignement secondaire, par les enseignants des deux branches actuelles et, à moyen terme par des enseignants spécialisés.

Article 18, §1. of the Convention, stated that the Convention of 31 October 1997 on the organisation of religious education in primary schools, which came into force through the amended law of 10 July 1998, was terminated by mutual agreement with the entry into force of the laws organising the common course on the teaching of values, subject to respect for the general principle of law *pacta sunt servanda* and to the possibility of taking over the current religious education teachers and lecturers. A transitional period of three years is provided for (Article 18, §2). Teachers who wanted to work within the church organisation were offered the option of making this transition, while retaining certain rights. This (phasing-out) framework was limited to 40 full-time equivalents (Article 18, §3).⁴⁷

Reform of Church Patrimony and Impetus for a Church Policy Plan

The experts' report referred to the burden of the (real estate) patrimony. It also pointed to the declining use of the churches. A staffing problem required regrouping. The 274 parishes evolved into 57 parochial communities.⁴⁸ Article 20 of the convention stipulated that a new fund would replace the so-called '*fabriques d'églises*'.⁴⁹ This fund was charged with managing the patrimony of the Roman Catho-

47 Article 18. – §1. . . . garantit leur rémunération et leur carrière actuelle; crée des perspectives professionnelles grâce aux procédures de validation des acquis de l'expérience et grâce à une offre de formation continue; encourage les instances responsables d'ouvrir l'accès à une formation aboutissant au concours de recrutement des instituteurs de l'enseignement fondamental, respectivement des professeurs de l'enseignement secondaire; aboutit à un emploi dans le domaine de l'Education nationale; tient compte dans ces démarches du cadre législatif et des conditions générales en vigueur du statut respectivement du fonctionnaire ou de l'employé de l'État. Convention.

Art.18. – §3. Aux enseignants désireux de continuer leur engagement au sein de l'Eglise catholique il sera offert la possibilité de maintenir leur statut conventionnel et contractuel au service du culte catholique en dehors du cadre scolaire, et ceci jusqu'à un maximum de 40 unités ETP. Ce cadre est non renouvelable et viendra à terme avec le départ à la retraite des enseignants en application du cadre législatif actuel de la Fonction publique. Convention.

48 Le grand nombre d'églises affectées à l'exercice public du culte au Luxembourg – une situation analogue prévaut dans les autres États européens – ne correspond plus à la sociologie religieuse de ce pays et cela pour deux raisons. La première tient au tassement de la pratique religieuse. . . . La deuxième raison est liée à une baisse sans précédent des vocations religieuses qui a entraîné le regroupement des deux cent soixante-quatorze paroisses en cinquante-sept communautés pastorales. Rapport groupe d'experts, 105.

49 Article 20. – §1. Il sera créé par la voie législative un Fonds de la Gestion des Édifices Religieux du Culte Catholique, dénommé ci – après le Fonds, qui reprendra les charges et les fonctions ac-

lic Church and governed by a board of directors whose members were appointed by the archbishop.

The *fabriques d'églises*, in charge of managing the assets of the Roman Catholic Church, were established in accordance with Article 76 of the Organic Articles of the law of 18 Germinal Year X (8 April 1802).⁵⁰ The imperial decree of 30 December 1809 on the *fabriques d'églises*,⁵¹ taken on this basis, sets out the rules for the organisation and operation of these establishments, which will qualify as public institutions at the end of the nineteenth century.

However, the decree of 30 December 1809, experts said,⁵² contained a series of articles that testified to a bygone vision of man and society. There was also a problem towards representation of certain local authorities, the problem of the co-optation and, finally, there was the observation that the system only benefited the Roman Catholic Church.

If, according to Article 37 of the decree of 30 December 1809, the *fabriques d'églises* are responsible for covering all operating and investment costs,⁵³ then, according to Article 92, the municipalities should intervene in case of insufficient

tuellement assumées par les fabriques des églises et qui bénéficiera du même régime fiscal. Le Fonds reprendra notamment les fonctions de fournir aux frais nécessaires du culte, de payer l'honoraire des prédicateurs de l'avent, du carême et autres solennités, de pourvoir à la décoration et aux dépenses relatives à l'embellissement intérieur de l'église et de veiller à la conservation et à l'entretien des édifices affectés au culte catholique. Convention.

50 Loi du 18 germinal an X (8 avril 1802) modifiée relative à l'organisation des cultes.

Section IV. — Des édifices destinés au culte. Art. 76. — Il sera établi des fabriques pour veiller à l'entretien et à la conservation des temples, à l'administration des aumônes. Art. 77. — Dans les paroisses où il n'y aura point d'édifice disponible pour le culte, l'évêque se concertera avec le préfet pour la désignation d'un édifice convenable. <https://www.legirel.cnrs.fr/spip.php?article527&lang=fr>.

51 Décret impérial du 30 décembre 1809 concernant les fabriques des églises. Chapitre I: De l'administration des fabriques. (Articles 3 à 35). Chapitre II: Des revenus, des charges, du budget de la fabrique. (Articles 36 à 49). Chapitre III: De la régie des biens de la fabrique. (Articles 55 à 88). Chapitre IV: Des charges des communes relativement au culte. (Articles 92 à 102). Chapitre V: Des églises cathédrales, des maisons épiscopales et des séminaires. (Articles 104 à 114). <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000479171>.

52 There is a confused application and unequal treatment between the Roman Catholic Church and the other conventioned religions.

53 Article 37. Les charges de la fabrique sont,

1. De fournir aux frais nécessaires du culte . . .
2. De payer l'honoraire des prédicateurs de l'Avent, du Carême et autres solennités;
3. De pourvoir à la décoration et aux dépenses relatives à l'embellissement intérieur de l'église;
4. De veiller à l'entretien des églises, presbytères et cimetières; et, en cas d'insuffisance des revenus de la fabrique, de faire toutes diligences nécessaires pour qu'il soit pourvu aux réparations et reconstructions, ainsi que le tout est réglé au paragraphe III.

<https://legilux.public.lu/eli/etat/leg/dec/1809/12/30/n1/jo>

income (for the expenses listed in Article 37).⁵⁴ However, Luxembourg municipalities are not only responsible for the maintenance of buildings used for catholic worship and the accommodation of their ministers but also for ancillary costs such as heating and electricity.

The report of the commission of experts calculated that, for the year 2010, the cost to be borne by the municipalities was €9.9 million. The cost of interventions by local authorities to cover the deficits of churchwardens was estimated at €13.6 million in 2015. Compared to 2014, this represented an increase of €1.8 million and €3.8 million more than in 2013.

Messner talks about a system where the *fabriques* were not subject to a specific legal regime, but rather to extra legem practices generated by circumstances, by the relative financial affluence of the communes and by the social weight of the Catholic Church.⁵⁵

The group of experts calculated the total annual cost of interventions in favour of the churches. It amounted to €34,948,748 (data from 2012 and, for local authorities, data from 2010). Of this, 71.8 percent was borne by the central government and 28.2 percent by the municipal authorities. If one considers expenditure on the care of monuments, pensions, and education costs, one arrives at just under €58 million.⁵⁶ There were also certain tax exemptions. The experts pointed out that this cost was not known and that their status as a tax expenditure was not clear.⁵⁷

54 Article 92. Les charges des communes relativement au culte, sont,

1. De suppléer à l'insuffisance des revenus de la fabrique, pour les charges portées en l'article 37;
2. De fournir au curé ou desservant un presbytère, ou, à défaut de presbytère, un logement, ou, à défaut., une indemnité pécuniaire;
3. De fournir aux grosses réparations des édifices consacrés au culte.

<https://legilux.public.lu/eli/etat/leg/dec/1809/12/30/n1/jo>

55 Francis Messner, *La réforme de l'organisation paroissiale au Luxembourg*. Revue du droit des religions [En ligne], 3 | 2017, mis en ligne le 03 février 2020. <http://journals.openedition.org/rdr/891>; DOI: <https://doi.org/10.4000/rdr.891>.

56 Messner, Husson and Sägesser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 69–70. L'ajout des €0.4 millions des monuments historiques et des €3.7 millions de pensions porterait le total des interventions à €39.1 millions et à €57.7 millions avec la prise en compte des traitements des enseignants de religion catholique (€17 millions) et de leurs pensions (€1.3 millions). Enfin, signalons que les dépenses budgétaires génèrent des recettes fiscales au titre de l'impôt sur le revenu (de l'ordre de €6.5 millions au niveau des retenues à la source) ou de la TVA (plus de €500, 000 pour les seules dépenses extraordinaires des communes).

57 Messner, Husson and Sägesser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 66.

The municipalities were advised to put the whole thing on point administratively – organisationally and to investigate who owned the properties. Under no circumstances could the municipality still intervene financially in the costs related to a building belonging to the Fund. From 2017, the Roman Catholic Church had to take responsibility for housing parish priests and maintaining churches and parsonages.⁵⁸ Provision was made for the conclusion of an agreement between the Ministry of Higher Education and Research and the Seminary – Centre Jean XXIII. Specific funding was to allow assignments in the field of training and research to be undertaken.⁵⁹

A law of 13 February 2018 on the management of religious buildings and other property belonging to the Catholic Church, as well as on the prohibition of the financing of religions by municipalities amends or deletes many previously existing provisions.⁶⁰ Chapter 1 provides more information regarding the establishment of a fund for the management of religious buildings and other property of the catholic cult.⁶¹ Chapter 2 (Article 9) abolishes *fabriques d'églises*.⁶² Chapter 3 establishes the status. Chapters 4 and 5 make some general provisions. Everything the factories own belongs to this fund: the buildings, land and financial assets.

58 Messner, Husson and Sägeser, *Rapport du groupe d'experts chargé de réfléchir sur l'évolution des relations entre les pouvoirs publiques et les communautés religieuses ou philosophiques au Grand-Duché de Luxembourg*, 166, 177–185.

59 Article 19. Convention, Google. <https://gouvernement.lu/dam-assets/fr/actualites/communiqués/2012/10-octobre/03-rapport/rapport.PDF>.

60 Loi du 13 février 2018 sur la gestion des édifices religieux et autres biens relevant du culte catholique, ainsi que sur l'interdiction du financement des cultes par les communes.

<https://legilux.public.lu/eli/etat/leg/loi/2018/02/13/a142/jo>

61 Article 2. Le Fonds est de plein droit le successeur à titre universel des fabriques d'église, supprimées conformément à l'article 9. Les dévolutions patrimoniales qui s'en suivent ont lieu en exemption des droits de timbre, des droits d'enregistrement, de succession et de mutation par décès et des droits de transcription.

Le Fonds a pour mission:

1° d'assurer, en tant que propriétaire, la gestion des biens meubles et immeubles. . . ; 2° de répondre des dettes et des charges contractées par les fabriques d'église. . . ; 3° de pourvoir, à l'exception de tous frais de personnel visés par la loi du 23 juillet 2016 réglant le montant et les modalités d'octroi du soutien financier annuel à l'Église catholique, arrétant les exemptions en matière d'acquisition d'immeubles affectés à l'exercice du culte catholique et portant. . .

Le Fonds est propriétaire des immeubles, connus sous la dénomination de « biens de cure », qui sont énumérés à l'annexe I avec l'indication de leur dénomination, de leur nature, de leur numéro cadastral et de leur contenance. Loi du 13 février 2018.

62 Article 9. Les fabriques d'église régies par le décret modifié du 30 décembre 1809 concernant les fabriques des églises sont supprimées. Loi du 13 février 2018.

Vie et Société

The introduction of a common values education course was planned as part of the government programme for the 2013 to 2018 legislature. The consequences of expanding the curricula with religious instruction for new denominations was a source of concern (organisational challenges and cost). Separate philosophical education was also seen as an obstacle to learning to live together in a highly diverse community. In an opinion issued on 6 May 2008, the Luxembourg Council of State posited that wanting to integrate all conventional religious denominations into the educational system, with identical rights, could first pose significant problems in terms of school organisation but would also, entail risks of communitarian drift in schools and in society.

The new course was introduced in stages. First, the introduction of a values education course pilot project in one educational institution (*Lycée Ermesinde*). Then, after evaluation, the course was rolled out to more schools. The course was introduced at the start of the 2016/2017 school year in general secondary education and in technical secondary education. The introduction in primary education was planned for the start of the 2017/2018 school year. An offer to take over staff members was provided. The necessary training courses were organised.⁶³

The law of 24 August 2016 introducing the common course in secondary and technical secondary education⁶⁴ regulated the introduction in secondary school and several staff-related technical matters (Article 5) including the takeover and an introductory training. On 11 July 2017, the Chamber passed the law on the introduction of the course in primary education.⁶⁵ Article 12 provided for specific transitional measures linked to taking an initiation course.⁶⁶

Finally, the law of 2 August 2017 on the organisation of the reinstatement of religious teachers and religious lecturers regulated technical and practical modal-

63 <https://gouvernement.lu/dam-assets/fr/actualites/articles/2016/02-fevrier/04-meisch-cours/Dossier-de-presse.pdf>

64 Loi du 24 août 2016 portant introduction du cours commun « vie et société » dans l'enseignement secondaire et secondaire technique et modifiant, <https://legilux.public.lu/eli/etat/leg/loi/2016/08/24/n4/jo>

65 Loi du 2 août 2017 portant introduction du cours commun « vie et société » dans l'enseignement fondamental et modifiant, <https://legilux.public.lu/eli/etat/leg/loi/2017/08/02/a695/jo>

66 Article 12. Le cours « vie et société » est assuré par les instituteurs ou leurs remplaçants, à condition d'avoir participé à une formation d'initiation au cours « vie et société ». L'initiation porte sur les objectifs, les contenus et les principes didactiques et méthodologiques du cours « vie et société ». Convention.

ities regarding competences and employment modalities of the teachers.⁶⁷ Article 28 of the law opened the possibility of funding a limited pool. This intervention is subject to strict conditions and these will not give rise to a replacement under the funding mechanism at the time of the termination of the employment relationship between the Archdiocese and the teachers concerned or the retirement of the employee.

The objective of the course is to help pupils find their way in society and teach them to communicate with others. Young people needed to have full access to the culture in which they live. The course had to provide access to the plurality of values, cultures and world views, and teach young people to reflect on these responsibly, critically, and constructively. The school plays a mediating role and must guarantee tolerance and mutual understanding.⁶⁸ The European Global Education Network Europe (GENE), which brings together ministries and agencies working in the field of education, awarded a certificate exemplifying quality in global education for the introduction of the *Vie et société* course.⁶⁹

A New Constitution

A new constitution, effective from 1 July 2023, was approved.⁷⁰ The constitution was amended to modernise terminology and adapt texts to the actual exercise of powers and functioning of institutions. Among other things, the proposed revision clarified that following the introduction of the new chapter, Articles 22 and 106 (salary and pensions) of the current constitution may be repealed.⁷¹

The 1868 constitution was recast, and several articles included in the 1868 version were dropped (Articles 22, 26, 106 and 110). In addition to a new Article

67 Loi du 2 août 2017 portant organisation de la reprise des enseignants de religion et des chargés de cours de religion, <https://legilux.public.lu/eli/etat/leg/loi/2017/08/02/a696/jo>

68 <https://vieso.script.lu/de/infos>

Site du ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse. Publications. Enseignement fondamental – Matériel pédagogique – Éducation à la citoyenneté.

<https://men.public.lu/fr/publications/education-citoyennete/information-generales/vie-societe-complement-plan-etudes.html>

69 https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2021/05-mai/17-gene-vie-societe.html

70 Constitution du Grand-duché de Luxembourg. Publication 19/01/2023. Applicabilité 01/07/2023.

<https://legilux.public.lu/eli/etat/leg/constitution/1868/10/17/n1/consolide/20230701>.

71 Document No 7700. Chambre des députés. Session ordinaire 2020–2021. Chapitre VII. – De certaines dispositions relatives à l'administration de l'Etat.

<https://wdocs-pub.chd.lu/docs/exped/0114/122/229221.pdf>

24,⁷² a new chapter (Section 3, Article 120) deals with and enshrines the relationship between the state and religious communities. The principle of separation, the regulation by law of the relationship and the use of conventions were enshrined.⁷³ The text stipulates that the relationship between the state and religious communities will be regulated by laws. Conventions to be approved by the Chamber, within the limits and forms established by law, regulate everything in detail. The reference to god in the oath formula (Article 110; 1868 Constitution) was dropped. The new Article 22 states that no oath may be imposed except by virtue of the law, which determines the form of the oath.

Unbundling: A Slow Process

Views on church-state relations may vary in Western European countries but public support for the separation of church and state is widespread. The criticism focuses on the entanglement of the church and state, the inadequacy of regulation, and the lack of transparency of the system.

In France, separation was realised with the law of separation of church and state of 1905. The Netherlands reformed the system in 1983. In Belgium, the recognised philosophies are subsidised by the government. The recognition in Belgium of liberal humanism as a philosophy of life was formalised in 1993, and the subsequent structuring and financing act of 2002 ensured a broader expansion. Two study groups were commissioned by the Belgian Ministers of Justice in 2002 and 2009, to examine the situation and to formulate recommendations. A thorough debate and a review of the system were proposed. The political world was not blind to the problem, but not everyone believed it was all that pressing. More-

72 Article 24. La liberté de manifester ses convictions philosophiques ou religieuses, celle d'adhérer ou de ne pas adhérer à une religion sont garanties, hormis les infractions commises à l'occasion de l'exercice de ces libertés. La liberté des cultes et celle de leur exercice sont garanties, hormis les infractions commises à l'occasion de l'exercice de ces libertés. Nul ne peut être contraint de concourir d'une manière quelconque aux actes et aux cérémonies d'un culte ni d'en observer les jours de repos.

Constitution du Grand-duché de Luxembourg.

73 Article 120. Les églises et les communautés religieuses sont séparées de l'État. La loi règle les relations entre l'État et les églises et communautés religieuses. Dans les limites et formes déterminées par la loi, des conventions à approuver par la Chambre des Députés peuvent préciser les relations entre l'État et les églises et communautés religieuses.

Constitution du Grand-duché de Luxembourg.

over, the fragmentation of the competences in this area between the different levels of government made it difficult to carry out a thorough reform.

The unbundling in the Grand Duchy of Luxembourg shows that a new relationship is possible. In line with the government programme, the agreement adapted the relationship between the state and religious communities through new conventions, introduced a common moral and civic course and reformed the relationship between congregations and local authorities. Commentators spoke of a secular government in Luxembourg and saw it as one more step towards secularism in the Grand Duchy.⁷⁴

The reform of the system in Luxembourg also triggered a new approach for the AHA. Given that it seems unlikely that the state will completely renounce the funding of religions and given that the AHA wants to avoid the ‘camp of non-religious persons’ not having enough value in the ecosystem of beliefs and convictions to merit financial support from the state, the AHA wants to be a spokesperson for the interests of non-religious people in Luxembourg. The AHA had never thought of formalising this representation of the non-religious.

74 Caroline Sägeser, “Un gouvernement laïque au Luxembourg,” *Centre Interdisciplinaire d’Étude des Religions et de la Laïcité*, accessed 1 February 2024, <https://o-re-la.ulb.be/analyses/item/758-un-gouvernement-la%C3%AFque-au-luxembourg.html>; s.n. “État et cultes: un pas de plus vers la laïcité au Grand-Duché,” *Le quotidien*, accessed 1 February 2024, <https://lequotidien.lu/a-la-une/etat-et-cultes-un-pas-de-plus-vers-la-laicite-au-grand-duche/>.

Anne Lancien

The *Ligue de l'Enseignement* and the French State since 1950: Between Influence and Dissonance

Introduction

The *Ligue de l'Enseignement* (League of Education) is a French confederation of popular education, a secular and republican movement born at the end of the nineteenth century, which today has more than one million members.¹ The organisation aims at educating and informing citizens, to free them from the influence of heteronomy and to foster their critical thinking. When it was founded, the aim was to prevent authoritarian leaders from gaining power through elections, as was the case in 1848 with Louis Napoléon Bonaparte, the future emperor Napoléon III. Jean Macé, founder of the League, believed that uneducated citizens should not be given suffrage. The organisation thus played a key role in establishing the Third Republic in France and in spreading republican ideals. Several of its members served as ministers in government. We can consider the organisation's activities as an extension of those of the state, through the various extra-curricular and cultural activities it organises. It is closer to the left of the political spectrum, with links to socialist networks and freemasonry.

This specific relationship with the state is one of the distinctive features of the League's identity. The other distinctive feature is that, right from its foundation, the *Ligue de l'Enseignement* has focused on the fight against Catholic clericalism, mainly in schools. This commitment was evident from the very founding of the movement and lasted until the 1980s and 1990s. The end of the twentieth century saw the failure of its school struggles for a particular way of organising the French educational system and the opening of the League to other militant actions.

Today, the League is France's main secular organisation in terms of membership and affiliated associations. It is also the largest associative movement in the country. In addition to the one million members it claims, it brings together 20,000 affiliated associations and receives some €25 million in public subsidies a year. An analysis of this organisation is therefore enlightening for understanding the evolution of the French secular world since 1950, the changes in its rela-

1 See the website of the organisation. Accessed 23 January 2024, <https://laligue.org/presentation/>.

tionship with public authorities and, more generally, the redefinition of the place of associations and intermediary bodies in France.

Over this period, the overall picture is one of declining influence for the *Ligue de l'Enseignement* among public decision-makers. However, it is useful to clarify the periodisation and to understand the reasons for the distancing that is taking place between this secular organisation and the state. Three periods stand out: the first, from the 1950s to the 1980s, saw the League's influence waning in the face of an unfavourable political context and an inappropriate strategy on the part of the organisation; the second, from the 1980s to the early 2000s, corresponds to a revival in the impact of the *Ligue de l'Enseignement*, which succeeded in positioning itself as an expert on secular issues in the eyes of public decision-makers. The final period, from the early 2000s to the present day, sees the League evolve from a tutelary, partnership-based relationship with the state to a more distant and contractual one. The movement is struggling to disseminate its *laïque* project in a now secularised society. Its influence on state decisions has become far more relative.

This chapter describes the characteristics of the relationship between the state and the League over these three periods. The research is based primarily on an analysis of the archives of the organisation's confederation, as well as on interviews with leaders of the associative movement.

The 1950s to the 1980s: A Lack of Influence on the State

While the *Ligue de l'Enseignement* was particularly influential under the Third Republic,² it appears that at the start of the Fifth Republic, this secular movement no longer had much impact on the policies put in place by the government. Indeed, in 1959 the Debré law was passed, allowing public funding of private faith-based schools, legislation that ran counter to the values and principles that the League had been striving to defend since its foundation. In 1984, the project for a unified, secular public education service, known as the Savary law, was definitively buried by a government that the League had supported. These two setbacks

² See the works of Jean-Paul Martin and Nathalie Sévilla on this period, in particular: Jean-Paul Martin, *La Ligue de l'enseignement. Une histoire politique (1866–2016)* (Paris: Presses Universitaires de Rennes, 2021); Nathalie Sévilla, *La Ligue de l'enseignement-Confédération générale des œuvres laïques, 1919–1939* (PhD dissertation, Institut d'Études Politiques de Paris, 2004). Nathalie Sévilla, "Mutation démocratique à la Ligue (1925–1940)," *Agora débats/jeunesse* 40 (2006): 10–21.

led to a profound questioning of the organisation's *laïque* identity from the mid-1980s onwards. They reflected the League's lack of influence with public decision-makers.

The first of these two setbacks can be explained by an unfavourable political context. General de Gaulle's government enjoyed a large majority in parliament, while the SFIO (the socialist *Section Française de l'Internationale Ouvrière*) and the PC (the Communist Party), left-wing parties to which the League was politically closer, won only 50 of the 579 seats in the November 1958 legislative elections. In addition, the supporters of private education had the support of many deputies and senators, through the *Association Parlementaire pour la Liberté de l'Enseignement* (Parliamentary Association for the Freedom of Education – APLE), one of the most influential pressure groups of the early Fifth Republic. In May 1959, it included 380 deputies (out of a total of 579) and 160 senators (out of a total of 301).³ On several occasions, it managed to influence the government's position and put the school question on the political agenda when it deemed necessary. While General de Gaulle initially wanted to reform private education by ordinance once the Fifth Republic was in place, he finally agreed to a parliamentary settlement of the issue. The action of the APLE was not unrelated to the president's change of mind.⁴ It initiated the debate in the National Assembly by questioning the Prime Minister on the subject, even though he had not wanted to discuss it.

While the *Ligue de l'Enseignement* had a large network of sympathetic MPs under the Third Republic,⁵ it no longer enjoyed such support under the Fifth Republic. It simply did not have the means to compete with the catholic lobbying force, all the more so in the face of a government that favoured dualistic schooling. It had even less means to do so, as it was going through a crisis of governance that weakened it. As parliament prepared to pass legislation granting public subsidies to private denominational schools, thus endorsing pluralism in education, the League had to overcome a leadership crisis and rebalance a delicate budgetary sit-

3 Figures provided in Aline Coutrot, "La loi scolaire de décembre 1959," *Revue française de science politique* 13 1965 357.

4 Coutrot, "La loi scolaire de décembre 1959," 355.

5 See, for instance, Nathalie Sévilla, "Confédération générale des œuvres laïques (1925–1940): une organisation socioculturelle en politique," in *Ligue de l'enseignement, un objet politique à identifier*, edited by Eric Favay, Alain Kerlan and André Robert (Paris: Ligue de l'enseignement, 2012), 17–18; the League "solicits parliamentary friends and members of the League to create and maintain a secular parliamentary group, both in the Chamber and in the Senate. Through the latter, it prepares draft legislation for all school-related matters [. . .]. The League influences the promulgation of circulars and memos in all matters relating to the school system, such as the simplification of formalities for avoiding religious education in Alsace-Moselle. Conversely, the League is mobilized to prevent bills from coming to fruition".

uation. In April 1959, the organisation was more than FRF100 million short of its invoices. This situation undermined the League's governing bodies; a new Secretary General was elected by a very slim majority, a sign of the internal divisions running through the organisation. The President of the organisation, who had just been re-elected, resigned. This internal crisis weakened the League at a particularly crucial time for its struggle. It was slow to organise, and actually mobilised against the law only in 1960, when the text had already been approved by parliament. Although demonstrations were organised by the secularists to denounce the text, they were not initiated by the League and had little impact on government policy. A vast petition campaign was organised, gathering over ten million signatures in the summer of 1960.⁶ Despite this strong mobilisation, the Debré law was not repealed. Indeed, its implementing decrees were even more favourable to private education than the law itself.⁷

The *Ligue de l'Enseignement* suffered another setback in 1984, initiated by a government close to its political positions, and in a political context that was now favourable to it. The secularist camp's error here was threefold, and distinct from that of 1959. First of all, it underestimated the French people's attachment to private schools. With the school question essentially framed in terms of conflict with catholic education, secular organisations were slow to realise that these institutions attracted the public, not so much for their denominational character as for the alternative they represented. In this way, the French gradually began to support a dualistic school system. When the Debré law was passed, 46 percent of the French said they were in favour of a monopoly, compared with 47 percent in favour of pluralism. In 1970, 61 percent of the population supported dualism at pri-

⁶ This figure is particularly eloquent concerning the 1959 electorate. As Anne-Marie Franchi explains, the petition garnered the equivalent of more than a majority of the votes cast by French citizens, with 10,813,697 signatures for an absolute majority of the electorate of 10,241,854 votes. Anne-Marie Franchi, "Laïcité, la parole à la défense . . .," *Pouvoirs* 75 (1995): 87. In my view, this argument undermines François Goguel's analysis that the scope of this petition was overestimated. "Firstly, [he points out], because in many départements where there are few free schools, it is clear that this petition was signed by M.R.P. and C.N.I. voters who certainly did not share the secular sensibilities of its promoters, but who nevertheless did not want to refuse the signature asked of them by their village teacher. Secondly, and more importantly, in most departments, the proportion of signatories to registered voters was much higher in rural cantons than in urban centers. [. . .] In any case, the urban France of the 1960s could probably not have remained fully sensitive to the politico-religious conflicts that had developed in the last decades of the 19th century and the first half of the 20th in a France that was still predominantly rural" François Goguel, "Religion et politique en France," *Revue française de science politique* 16 (1966): 1180.

⁷ The decree of 10 March 1964 enables teachers in private schools to take part in competitive examinations for public school teachers, by means of their own lists and choice of assignments.

mary level, and 59 percent at secondary level.⁸ In November 1983, 71 percent of French people were in favour of maintaining private education.⁹ However, the League was not aware of this change and it continued to approach the school dispute solely from a religious perspective. This changed at the end of the 1980s, particularly with its 1989 congress. The organisation's congress denounced "the *de facto* social segregation organised by commercial establishments and by many private denominational establishments under contract".¹⁰ School dualism was thus seen by the League as a social issue, rather than simply a question of denominational heteronomy.

The second reason for the failure of 1984 was that the secularists were unable to mobilise enough people to match their supporters in the mass street mobilisations. Anne-Marie Franchi, a member of the *Comité national d'action laïque* (National Committee for Secular Action – CNAL)¹¹ at that time, explains:

We were afraid of missing any centralised demonstration. So we held dispersed demonstrations. In '83, there were demonstrations in Chauny, Yssingeaux, big towns, weren't there [. . .]. Épinal, Rodez, Arpajon and Marseille, at last! And there you have it. The CNAL's decentralised demonstrations at a time when things were so critical for us and when we should have been making ourselves heard in what we really had as a project.¹²

The figures back up her words: while supporters of private education managed to gather over one million people on a single day, on 24 June 1984, secular activists struggled to muster a million demonstrators over the course of a month (April 1984). What is more, the secularist manifestations were highly politicised, with the socialist and communist parties well represented, as were the teachers' unions. But in contrast to the demonstration organised by the private sector, the number of parents who turned out for the march appeared to be small.

Finally, the secularist side was undoubtedly too intransigent during the negotiations. It wanted to go beyond the text negotiated by the Minister of Education, Alain Savary, by tabling amendments in the National Assembly,¹³ which could not

8 Figures provided by Jean-Paul Visse, *La question scolaire 1975–1984* (Villeneuve d'Ascq: Presses Universitaires du Septentrion, 1995): 260–261.

9 This data is taken from Jean-Marie Mayeur's article: "la guerre scolaire, ancienne ou nouvelle histoire ?," *Vingtième siècle* 5 (1995): 104.

10 Document saved in the National Archives, classification 20140057/239.

11 The Comité national d'action laïque was created in 1951 to bring together secular forces.

12 Anne-Marie Franchi, testimony given at the "journée des grands témoins" organised by the League of Education in 2014.

13 The Laignel amendments were designed to restrict the creation of private nursery schools, and to make the maintenance of a contract between private establishments and the State conditional on the gradual civil-servant status of at least half of the establishment's teachers.

be accepted by the supporters of private education. For the *Ligue de l'Enseignement*, these “amendments passed by the National Assembly [on 24 May 1984] saved the essentials, but having avoided the worst does not mean having obtained the best”.¹⁴ Antoine Prost, a historian specialising in educational issues, returns to this secular intransigence, which “destroyed, with the complicity of the president, the acceptable compromise that Alain Savary had succeeded in getting the representatives of private education to accept: hence the demonstration on 24 June, the exasperation of antagonisms and, on 12 July, the final withdrawal of the project by the President of the Republic”.¹⁵ Historically, one of the reasons for this intransigence was

the underestimation of the balance of power in public opinion. François Mitterrand’s victory in 1981 was not, ipso facto, a victory for secular ideas. [An] IFOP poll¹⁶ [. . .] concluded that part of the left-wing electorate did not identify very well with the secularist struggle: 15 to 20 percent of the socialist electorate. However, the secular left rejected this finding. Alain Savary puts it clearly: “I shared the results of this survey with the main leaders of the CNAL. They didn’t believe it, or pretended not to, some even questioning the seriousness of the work”.¹⁷

The League’s archives confirm this analysis. They referred to “the right-wing’s exploitation of public opinion through biased polls” and contested the results of surveys that were unfavourable to it.¹⁸ “The problem of manipulating figures is becoming increasingly acute. We’ve reached a period where no source is credible. [. . .] Once again, the people of the left have rallied around secularism”.¹⁹

Faced with the massive mobilisation of supporters of denominational schools and the failure of negotiations, President François Mitterrand decided to bury the bill in July 1984. The secularists were unable to take advantage of a political situation that was generally favourable to them.

14 Document saved in the archives of the League of Education.

15 Antoine Prost, “La loi Savary: les raisons d’un échec,” in *Alain Savary: politique et honneur*, edited by Serge Hurtig (Paris: Presses de Sciences Po, 2002), 261.

16 Survey commissioned by the French Ministry of Education from IFOP on 26 May 1982. This study shows, among other things, the reasons why some families choose to send their children to private schools (discipline, quality of teaching, etc.) and confirms that 88 percent of parents of pupils attending state schools would like to be able to choose the school in which to send their child. See Prost, “La loi Savary: les raisons d’un échec,” 263–264.

17 Prost, “La loi Savary: les raisons d’un échec,” 270.

18 Document saved in the archives of the League of Education.

19 The quotation from the Board of Directors quoted above is taken from the minutes of a meeting of the statutory body held in the archives of the *Ligue de l’enseignement*.

Late 1980s to the Early 2000s: A Revival in the Impact of the *Ligue de l'Enseignement*

These two successive failures forced the League to rethink its mobilising ideal and extend secularism beyond the school question. It reformed its doctrinal base, revised its militant strategy and succeeded in influencing government policies. It has made a major shift in its secular identity by proposing dialogue with religions, particularly catholic institutions, which it had previously vigorously opposed. From 1987 onwards, several meetings were organised between two national secretaries and the general secretary of the League (Michel Morineau, Guy Gauthier and Jean-Louis Rollot) on the one hand, and the deputy general secretary of the French bishops' conference and a jesuit in favour of restructuring the church (Gaston Piétri, then Claude Cesbron and Henri Madelin) on the other. Discussions focused on morality, the history of *laïcité* and dualism in education. Joint conferences were organised, notably on the teaching of religious facts. This policy of openness enabled the League to distinguish itself from other secularist organisations, to gain visibility in public debate and to change the image of secularism often perceived as anti-religious and sectarian. Some media outlets described the organisation as a “renovator of secularism”, while the French Minister of Education hailed the League’s “strength of proposition”.²⁰

The openness of the themes encompassed by secularism was also demonstrated by the League’s recognition of the issues raised by islam and, more generally, by the cultural and religious diversification of French society. Here again, the *Ligue de l'Enseignement* distinguished itself from other French secularist movements. For example, when two veiled schoolgirls were expelled from their school in 1989 for refusing to remove their veils, the organisation adopted a moderate stance, encouraging dialogue rather than expulsion. The organisation feared that the schoolgirls would quit school, which would be detrimental to them, and denounced a misguided debate that focused less on religious symbols than on the issue of integration, reflecting the assimilationist tendencies of a dominant culture. Buoyed by the heightened media profile afforded by this dissonant position within the secular ‘camp’, the *Ligue de l'Enseignement* continued its work on islam and the issue of integration. It set up an Islam and Secularism Commission, made up of representatives of catholicism, protestantism, islam and members of the League, to reflect on the issues raised by these themes. Initially, the focus was on openness to cultural diversity. The League defended the distinction between nationality and citizenship, and wanted to enable foreigners to vote, at least in local elections. Its ap-

²⁰ Lionel Jospin, *Le Monde* (July 9 and 10, 1989).

proach was truly one of *laïcité ouverte* ('open secularism'), then *laïcité plurielle* ('plural secularism'). It wanted to become a reference point for public authorities on questions of islam, diversity, immigration and, of course, *laïcité*. To this end, it called on researchers, organised numerous conferences and published several works on the subject. It wanted to be a source of proposals. It suggested developing economic secularism, a secularism that would promote "the growing and effective responsibility of workers in the management of companies" and work towards training employees.²¹ It defended secular humanism, defined as "a secular spirituality for a humanity in search of itself, in permanent creation by its own forces and particularly by those of the human spirit, in search of its own order, of its capacity to hold itself as the only end and the only way, while knowing that it cannot be its own model", secular because capable of "founding a way of thinking about man that is not dominated by any other way of thinking, whether religious, economic or political".

The League also put forward a secular morality, secular in both content and method. It was to be "a common morality contributing to education for living together and the transmission of values at the foundation of republican citizenship". In conjunction with its reflections on this issue, the League called for the establishment of a "secular covenant" in a document drawn up jointly with the French Protestant Federation in 1989, and then, from 2004 onwards, for a charter of *laïcité* capable of bringing together all the country's spiritual currents.

How did the *Ligue de l'Enseignement* manage to renew its approach to secularism in the face of an identity crisis that called into question its doctrinal foundation? How did it convince its militants of the relevance of such an evolution? This identity crisis was undoubtedly one of the most difficult that the League had to face. And yet, it is thanks to this crisis that it has undoubtedly succeeded in reinventing itself most effectively. It succeeded in the *tour de force* of reinventing a tradition in movement. The League thus evoked a 'return to the roots' of the concept of *laïcité* through openness to religions; it showed that this notion was, above all, a philosophy of emancipation, of freedom of conscience; a guarantee that man can reason autonomously, without the intervention of any authority that claims to be the exclusive holder of truth and knowledge. Recalling the historical, philosophical, political and even legal underpinnings of this principle was a response to a desire to clarify the content and application of this ideal. It allows the League to justify the school dispute on grounds other than religious ones.

21 Michel Morineau, *Laïcité en débat. Introduction à 1989* (1989), 46. Document saved in the National Archives, classification 20140057/23920140057/237.

Let us make no mistake: the movement was not unanimous in its support for the League's doctrinal evolution. However, the dissenting voices were simply too few in number or too discreet to be able to prevent the changes being made by the organisation's leadership.

Did this approach have the desired success? The *Ligue de l'Enseignement* has indeed succeeded in opening up its doctrinal field to new issues, and even in promoting new ideas on *laïcité*, such as the teaching of religious facts. This doctrinal overhaul has given the League the legitimacy in the scientific community that it had lost since the start of the Fifth Republic, and greater credibility with political decision-makers. As Françoise Lorcerie recalled in 1995:

Its representatives are the only academics to whom *Administration*, the journal of the prefectural administration, has opened its columns to frame the debate, in the issue it devoted in 1993 to '*L'État et les cultes*', with a preface by Charles Pasqua.²² Another clue: the League was entrusted with the production of the TDC²³ dossier on *laïcité* (No. 703, Nov. 1995). They constituted what we might call the "qualified opinion on *laïcité*".²⁴

What remains of this ambition today? The *Ligue de l'Enseignement* is still considered by the political authorities to be an expert on secular and educational issues, as illustrated by the organisation's numerous invitations addressed to it to participate in consultative bodies.²⁵ The content of the secular morality now integrated into school curricula was largely inspired by the League's proposals, which won over Vincent Peillon when he was head of the French Ministry of Education.²⁶ The *Charte de la laïcité expliquée aux enfants*, drafted by the organisation, is used in many public schools, as well as in numerous civics textbooks. But is the League still a point of reference for public decision-makers on questions of *laïcité*? Is it able to influence government positions on this issue? Clearly not.

²² Charles Pasqua was then Minister of the Interior.

²³ *Textes et documents pour la classe*, magazine of the Canopé network, publisher of the French Ministry of Education.

²⁴ Françoise Lorcerie, "Laïcité 1996. La République à l'école de l'immigration?," *Revue française de pédagogie* 117 (1996): 57.

²⁵ Haut conseil à l'égalité entre les femmes et les hommes, Conseil d'orientation des politiques de jeunesse, Comité national de suivi du Fonds social européen, Commission professionnelle consultative des métiers du sport et de l'animation, Conseil supérieur de l'Éducation, etc.

²⁶ He was a member of the *Ligue de l'enseignement* in Picardie.

From a Tutelary Relationship with the State to a Contractual One

The ‘golden age’ of the *Ligue de l’Enseignement* under the Fifth Republic began to decline in the early 2000s, at least in terms of its ideological influence. It was also evident, even before this period, in the decline in membership and the number of affiliated associations. But what is particularly interesting in this analysis is the evolution of its relationship with public authorities. I will use two examples to illustrate this point: the case of *mis à disposition* (‘placed at disposal’)²⁷ and new public management.

As we can see, the relationship with the state is no longer one of tutelage or partnership, but of contract. The League, whose identity was to some extent that of a public authority, is now approaching that of a social economy enterprise. In the *Ligue de l’Enseignement*, as in other secular extra-curricular movements, teachers *mis à disposition* by the French Ministry of Education were ‘the backbone’ of the organisation: in 2006, the Ministry of Education definitively abolished the status of *mis à disposition*. Between 1986 and 2012, the League saw their number drop from 750 to 150. In the 2009 to 2012 period alone the number of seconded staff fell by almost 50 percent.²⁸ The new employees are professionals specifically trained in associative management. They are no longer civil servants. This inevitably has an impact on the League’s identity. In 1989, for example, the Board of Directors expressed regret that “the League [was] managed at all levels by primary school teachers”.²⁹ Ten years later, however, such an assessment can no longer be made, given the survey carried out in 1998 among the movement’s associative managers.³⁰ When asked about their status, 36 percent said they were teachers (with an unclear distinction made between ‘teachers’ and ‘other teaching staff’). Public-sector employees accounted for 52 percent of the association managers questioned (figure 1).

27 We could translate *mis à disposition* as ‘made available’ or ‘placed at disposal’. This status concerns civil servants, teachers in our case, ‘made available’ by the Ministry of National Education to work in the League.

28 Guillaume Meugnier, “Mutations fonctionnelles et référentielles des modèles de coopération entre associations d’éducation populaire et pouvoirs publics: l’exemple du partenariat entre la Ligue de l’enseignement et le ministère de l’Éducation nationale” (PhD dissertation, Institut d’études politiques de Grenoble, 2014), 183.

29 Document saved in the archives of the Ligue de l’enseignement.

30 It should be remembered that the study was carried out among 703 association managers, who do not necessarily represent a representative portrait of the movement. We assume that, insofar as they responded to the questionnaire submitted, these leaders are active members of the organisation.

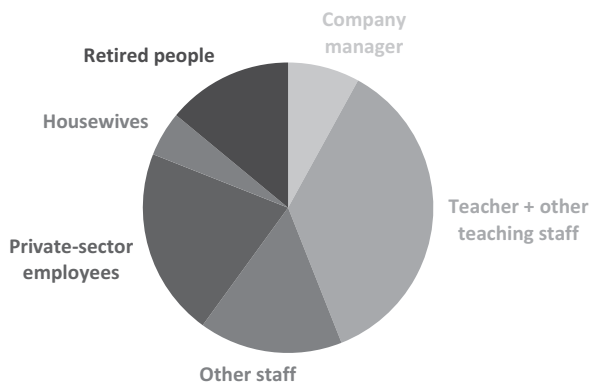


Figure 1: Status of associative managers in 1998.

The diversification of profiles is less clear-cut, however, when it comes to candidates for the Board of Directors. While primary school teachers are no longer in the majority, staff from the French education system still dominate (figure 2).

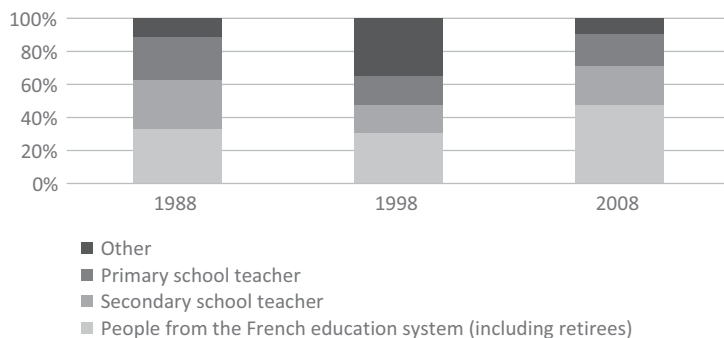


Figure 2: Status of candidates for the League's board of directors (1998–2008).

While the number of primary school teachers has dropped (albeit relatively), the number of candidates from the national education system has risen (inspectors, educational advisors, head teachers, etc.).³¹ The impact of the end of the *mis à disposition* status thus seems less obvious at the level of the governing bodies than in the organisation as a whole.

³¹ See General Secretariat circular no. 29.01.05 of 4 May 2005. Document saved in the archives of the *Ligue de l'enseignement*.

The League is also facing another challenge: after having widely criticised the excesses of economic neo-liberalism, in particular a managerial culture that is more interested in results than in projects as such, the organisation is forced to integrate the logic of new public management into its practices, despite the fact that this is the antithesis of the ideals it defends. Indeed, new public management proposes to modernise administrations by introducing tools derived from private sector practices and the market economy. For associations dependent on state funding, this new public management entails far-reaching changes: the gradual disappearance of subsidies in favour of public procurement competition between associations, as well as with the for-profit private sector, the introduction of efficiency assessment tools and the delegation of state missions to private sector workers. From now on, associations must prove their social utility³² and assert their specificity, their ‘added value’ in relation to other components of the social economy. The importation of new public management methods to relations between the state and the associative world raises fears about the preservation of the latter’s specific features, by assimilating the for-profit and nonprofit sectors, and pushing its players to integrate competitive market logics into their management.³³ The *Ligue de l’Enseignement* is rethinking its relationship with politics, and with the state in particular, in order to adapt to this new situation. For the organisation, this means appropriating the integration of new public management, by implementing a mode of operation that borrows certain features of this economic tool within its network.

To bring its discourse into line with its practices, which now incorporate this new public management, the League is evolving in its positions. In June 2012, it published an article entitled “Les possibilités insoupçonnées du new public management. A lesson for associations?”, in which it said:

Since its origins, “new public management” has been associated with neo-liberalism, sharing its naiveties and excesses. Since then, it has had a bad press. But we should not throw the baby out with the bathwater: some of the innovations that have flourished over the last 30 years offer new ways of doing things, which may resonate with the practices of the associative world.³⁴

32 Laurent Besse, Frédéric Chateigner and Florence Ihaddadene, “L’éducation populaire,” *Savoirs* 3 (2016): 11–49.

33 Jean-Louis Laville and Anne Salmond, “Introduction,” in *Associations et action publique*, edited by Jean-Louis Laville and Anne Salmond (Paris: Desclée de Brouwer, 2015), 7–25.

34 Ligue de l’enseignement, *Les Services publics sont-ils condamnés?* (Paris: La Ligue de l’enseignement, 2012), 6.

While the relationship between the public authorities and the *Ligue de l'Enseignement* has evolved from a tutelary relationship to a contractual one, in reality this transformation has had only limited impact. Guillaume Meugnier, the organisation's former national secretary, explains that new public management did not "fundamentally alter the association's activities".³⁵ Indeed, the contracts entered into between the association and the Ministry leave the League a certain amount of leeway in terms of the actions it carries out, as long as these are in line with the Ministry's priorities. Similarly, the recent report on the organisation by the *Cour des Comptes* confirms the favourable situation enjoyed by the League. It urges the Ministry to step up its control over the use of subsidies granted to the League:

The confidence that the *Ligue de l'Enseignement* has long inspired in many of its partners, its presence throughout the country thanks to its departmental federations and its tens of thousands of volunteers, make it a valuable and frequent auxiliary of the public authorities, particularly the Ministry of Education. So much so, in fact, that the Ministry seems to have given up any effective control over the activities carried out by the League in return for the subsidy it pays to it, i.e. about 25 million euros a year. One of the factors explaining this lack of control is the implicitly lump-sum nature of this amount, corresponding to compensation for the end of the free provision of National Education staff.³⁶

The League's crisis is part of a wider crisis of ideologies and intermediary bodies, particularly on the left of the political spectrum. Traditional militancy was running out of steam, as the model of 'socialism' came to an end; right-wing ideas such as the defence of private enterprise and the efficacy of free trade were gaining ideological ground. Above all, the arrival of Emmanuel Macron as President of the Republic has somewhat 'redistributed' the cards. Faced with the disintegration of the Socialist Party, militants have lost one of the main points of reference for their commitment. The League's leaders have been divided on the issue since 2017: while the organisation has always shown affinities with the left of the political spectrum, Nadia Bellaoui's arrival at the general secretariat has been synonymous with at least implicit support for Emmanuel Macron's policies, reflected by the absence of any criticism of them or the proposals of his Minister of National Education, Jean-Michel Blanquer. This doctrinal stance places the *Ligue de l'Enseignement* at odds with its traditional historical political commitment. Nadia Bellaoui's position was strongly criticised internally. She eventually lost her position. Finally, at a doctrinal level, the League's ideas no longer seemed to influence political power. The *law re-*

³⁵ Guillaume Meugnier, "Nouveau management public et stratégies associatives: la Ligue de l'enseignement," in Laville and Salmond, *Associations et action publique*, 52.

³⁶ Cour des Comptes, "Relevé d'observations provisoires. Comptes et gestion de la Ligue de l'enseignement," Fiscal year 2011–2016 (2016).

enforcing respect for the principles of the Republic, adopted in 2021, illustrates this. It aims at struggling against “separatism”, defined by the state as:

[A]ny action of destroying or weakening the national community in order to replace it with new forms of allegiance and identification that break with the democratic and republican tradition. Separatism is based on an ideological approach designed to cut the individual citizen off from his or her national framework. It asserts itself against the nation as the source of collective identity, by establishing definitive barriers between individuals and groups.³⁷

Religious separatism is actually the main target of the law. While the League states that “nothing must be yielded to those who claim that the laws of their god are superior to the laws of the Republic”, including islamists, hinduists, evangelicals, orthodox jews and fundamentalist catholics, it considers that separatism is not only religious but also economic and social. The League is particularly critical of possible applications of the law to the associative (voluntary or nonprofit) sector, notably, that

administrative authorities may assess the ‘republican’ character of associative activities on the basis of a decree, entailing the right to demand reimbursement of subsidies received. This subjects associations to considerable legal insecurity and therefore to risks of fragility at a time when society needs them more than ever [. . .]. To make subsidies, or more notably the issuing of approvals, conditional on a commitment to refrain from any action prejudicial to public order, a notion that is largely open to interpretation, is to limit the associations’ ability to challenge or the possibility of civil disobedience actions, which have enabled so many democratic advances.³⁸

However, its positions were not echoed by the government or members of parliament.

37 “La stratégie gouvernementale pour lutter contre le séparatisme et les atteintes à la citoyenneté,” Secrétariat général du Comité interministériel de prévention de la délinquance et de la radicalisation, accessed 23 January 2024, <https://www.cipdr.gouv.fr/islamisme-et-separatisme/#:~:text=Qu%27entend%2Don%20par%20%C2%AB%20s%C3%A9paratisme%20%C2%BB%20%3F,la%20tradition%20d%C3%A9mocratique%20et%20r%C3%A9publicaine>.

38 “Séparatismes. Un communiqué de la Ligue de l’enseignement,” Charles Conte, accessed 23 January 2024, See the press release of the League online: https://blogs.mediapart.fr/edition/lai cite/article/210920/separatismes?utm_source=twitter&utm_medium=social&utm_campaign=Shar ing&xtor=CS3-67.

Conclusion

The relationship between the state and the *Ligue de l'enseignement* has been divided into three phases since 1950: until the 1980s, the organisation had no real impact on the political authorities. Its activist strategy was ineffective; situated on the left of the political spectrum, it was unable to influence a right-wing government during those years. From the mid-1980s to the early 2000s, it became a benchmark organisation for secularism and education. It was a driving force behind proposals and was listened to attentively by the government, particularly when the left is in power. Since then, however, the organisation has been in retreat. Financial and governance crises have weakened it and it is struggling to make its voice heard in public debate. While the *Ligue de l'Enseignement* has played a part in spreading republican values and ideals, it has to be said that it no longer has any real influence on state policy. It is no longer a privileged partner of the public authorities and submits to the demands of the contractual relationship that has been established with them. In this way, it accepts the principles of new public management, principles which are supported by the economic neo-liberalism it denounces. The same can be said of secular issues. While the law on separatism adopted in 2021 contradicts the vision of secularism defended by the organisation since the 1990s, the League's criticism of this legislation focuses on associative freedom and not on the actual content of the secularism it defends.

This relative influence of the League on the state is not peculiar to this secular organisation but affects all the intermediary bodies in France. There are many reasons for this: changes in activism, new political circumstances (decline in the values defended by the left, in particular), new relationship between the state and French associations, are among the most important ones.

However, the French secularist movements, and more specifically the *Ligue de l'Enseignement*, remain a force for proposals and renewal of the secular question. At a time marked by a certain fragility of democracy, by a doctrinal crisis and by a loss of meaning in our societies, these lines of thought undoubtedly deserve our attention.



Part IV

Katharina Neef

Patterns of Decline in German Organised Freethought in the Twentieth Century

Introduction

In the second half of the twentieth century, Germany developed into two separate and, in some regards, even antagonistic states. After the end of World War Two, the Western sectors that had been administered by French, British and American forces, developed into the Federal Republic of Germany (FRG) with a decentralised federal political system, a social market economy, and a religion-friendly policy of state-church partnership and privileges. By contrast, the Eastern sector under Soviet administration became the German Democratic Republic (GDR) with a centralised one-party system, a planned economy, and a strictly laicist policy. These different situations formed complementary political, cultural, and social frameworks in which non-religious milieus and agents had to position themselves and their institutions. Consequently, the German example offers a comparative case of how the state and the non-religious interacted, how they developed patterns of action under certain conditions, and how they tried to adapt to concrete political conditions.

Neither of the post-war German states developed strong organisations of freethinkers, secularists, humanists, or the like.¹ While such groups existed and remained marginal in the FRG, they did not even organise in the GDR. Their disappearance in the GDR might be especially surprising as the socialist countries of the twentieth century are generally presented as critical or even hostile towards religions. Consequently, these states are common examples when pro-

¹ I use the terms ‘freethought’/‘freethinker’ and ‘secularism’/‘secularist’ as synonyms in this chapter. While the former is the most common emic term in that period, the latter is an analytical research term. For a longer evaluation of the research debate concerning the terms, see Carolin Kosuch, “Freethinkers in Modern Europe’s Secularities: Introduction,” in *Freethinkers in Europe: National and Transnational Secularities, 1789–1920s*, edited by Carolin Kosuch (Berlin: DeGruyter, 2020). See further: Rebekka Habermas, “Secularism in the Long Nineteenth Century between the Global and the Local,” in *Negotiating the Secular and the Religious in the German Empire: Transnational Approaches*, edited by Rebecca Habermas (Oxford/New York: Berghahn Books, 2019).

Note: Thanks to Sebastian Schüler, Bernadett Bigalke, Viktoria Vitanova-Kerber, Maria Papenfuss and Miriam Hamburger who commented on an earlier draft of this chapter.

cesses of (forced) secularisation or secular phenomena are addressed.² This connection of socialism and non-religion is not entirely without reason: countries like Estonia, the Czech Republic or the parts of Germany that formed the GDR still have widely secularised populations today, i.e. church membership is significantly low and religious literacy is not common.³

The marginality of organised freethought in German post-war societies is even more surprising as Germany has a long tradition of secularist organisations and there are direct continuities from the pre-war situation of organised freethought to the remnants of these associations in the post-war societies and their functionaries (albeit the years between 1933 and 1945 meant significant ruptures also in that milieu). Therefore, a broader historical setting of freethought in the preceding decades, leading to challenging situations in both states, is necessary. The history of organised freethought in the early twentieth century is key, as it shaped the conditions (or rather the non-conditions) for organised freethought in the GDR and the FRG. Consequently, the chapter will focus on structural dimensions, i.e. the conditions that shape (and respectively minimise) the field for freethought organisations and their agents in the early separated German states. After this historicisation, questions of how and why organised freethought dissolved in the early East-German socialist years in a developing laicist or secularist state as well as in the Adenauer-republic under a religion-friendly regime will be addressed. The comparative frame serves both as contrasting example and as methodological tool.⁴ Obviously, both states started from the same roots and ruins, thus their different developments extrapolate the differences of the two states regarding the relation between religion and non-religion. They also shed light on different patterns of action within the secularist milieu that turned out to be unadaptable to changing societal conditions.

2 Monika Wohlrab-Sahr, “‘Forced’ Secularity? On the Appropriation of Repressive Secularization,” *Religion and Society in Central and Eastern Europe* 4, no. 1 (2011): 63–77; Monika Wohlrab-Sahr, Thomas Schmidt-Lux, and Uta Karstein, “Secularization as Conflict,” *Social Compass* 55, no. 2 (2008): 127–139.

3 On the history of (non-)religion in East Germany, see Esther Peperkamp and Małgorzata Rajtar, *Religion and the Secular in Eastern Germany, 1945 to the Present* (Leiden: Brill, 2010). The concept of religious literacy has been developed by Steven Prothero to denote fundamental religion-related knowledge and skills; Steven Prothero, *Religious Literacy. What Every American Needs to Know – and Doesn’t* (New York: Harper Collins, 2007).

4 On the potentials and limits of comparison as a method, see Oliver Freiberger, *Considering Comparison. A Method for Religious Studies* (New York: Oxford University Press, 2019).

Organised Secularism in Germany Prior to 1945

The starting point of freethought as a social phenomenon in Germany is the introduction of the personal statute law in 1875, which made it possible to be a dissident, i.e. to cancel one's affiliation with any religious community and become a non-religious person in a formal sense.⁵ Originally introduced to solve administrative problems, the statute turned out to be used as an instrument to grant a negative freedom of religion. Consequently, it became a prominent field of freethought action to incite fellow citizens to take this step and leave the churches, and thus become secular in this civic sense. The statute and these actions created a small but measurable stratum of non-religious persons, which formed the basis for the developments of the twentieth century.

This exodus movement grew in the years after 1906 for different reasons, such as changes in the church taxation system and propagandist campaigns, which especially led workers and their families to quit their church membership.⁶ Dissidence, however, still remained a marginal phenomenon during monarchist times. In public discourse and medial representation, secularism was a bourgeois phenomenon. Although the masses were explicitly addressed to leave the churches and workers indeed formed a large proportion of those quitting, it was academic protagonists who led the debate and functioned as representatives of German secularism. The most renowned functionaries of freethought were successful natural scientists such as the physician Ludwig Büchner, the zoologist Ernst Haeckel, and the chemist and Nobel laureate Wilhelm Ostwald.⁷

This changed significantly in 1919: as the end of World War One also brought the end of monarchy and the state-church system, the number of church exits sharply increased and the protestant churches lost two million members between

5 There are earlier – intellectual and social – incentives: the publication of key works, that animated debates on scientific worldviews and the critique of religion, and the foundation of free-religious communities since 1844. Classical publications are: David Friedrich Strauss' *Das Leben Jesu, kritisch bearbeitet*; Ludwig Feuerbachs *Das Wesen des Christentums*; Ludwig Büchners *Kraft und Stoff*. The free-religious communities started as liberal communities and secularised substantially until the end of the nineteenth century. See Claus Spenninger, *Stoff für Konflikt. Fortschrittsdenken und Religionskritik im naturwissenschaftlichen Materialismus des 19. Jahrhunderts, 1847–1881* (Göttingen: Vandenhoeck & Ruprecht, 2021).

6 See Katharina Neef, "Politicizing a (Non)Religious Act. The Secularist Church Exit Propaganda of the Komitee Konfessionslos (1908–1914)," in *Freethinkers in Europe: National and Transnational Secularities, 1789–1920s*, edited by Carolin Kosuch (Berlin: DeGruyter, 2020).

7 Even the second row of these societies' activists consisted of natural scientists, physicians, philosophers, lawyers or public officers. Academically trained men provided the large majority of secularist voices of the Wilhelmine era.

1919 and 1923. Those numbers dropped but still remained much higher than the Wilhelmine average until the end of the republic.⁸

Thus, in the Weimar Republic, a considerable reservoir of potential free-thinkers was formed. Furthermore, although this discourse had been mainly middle class before 1914, the numbers of proletarian freethinker associations now surged, and the public appearance of the milieu shifted to the working class and the labour movement. Dissidence became a politicised class issue as church exit was presented as a measure for weakening the conservative state and the ruling classes. Having left the church became a common descriptor of socialist or communist identities.⁹ But being secular regarding one's personal status did not mean engaging in organised secularism.¹⁰ Although the Weimar Republic saw the presence of secularist mass organisations in the social democrat and communist milieu, they did not succeed in organising the majority of those Germans who had terminated their church membership. Moreover, even though there were mass organisations, they still remained marginal, as German people were still widely confessionalised by the end of the World War Two.¹¹ Ninety percent of the

8 Lucian Hölscher, *Datenatlas zur religiösen Geographie im protestantischen Deutschland. Von der Mitte des 19. Jahrhunderts bis zum Zweiten Weltkrieg, 4 volumes* (Berlin: DeGruyter, 2001).

9 In a general sense, this is also true for the Wilhelmine era, as the Wilhelmine church exit movement also engaged the argument of church membership as a stabilisation of the exploitative system (see Neef, "Politicizing," 316). But the case is more complex. Although the official party policy was very clear and declared religion to be a private matter (1890), there also was a strong secularist current in the early socialist and social democrat movement establishing dissidence as one marker of social democrat identification and belonging. In the Weimar years, the positions polarised. While the Majority SPD mitigated its opposition towards religion, the Communist Party openly turned secularist. See Sebastian Prüfer, *Sozialismus statt Religion. Die deutsche Sozialdemokratie vor der religiösen Frage, 1863–1890* (Göttingen: Vandenhoeck & Ruprecht, 2002); and Fritz Bolle, "Darwinismus und Zeitgeist," in *Zeitgeist im Wandel. Das Wilhelminische Zeitalter*, edited by Hans Joachim Schoeps (Stuttgart: Klett, 1967). This question is also discussed by Todd Weir in *Red Secularism. Socialism and Secularist Culture in Germany 1890 to 1933* (Cambridge: Cambridge University Press 2024), 18–20.

10 The numerical gap between the non-religious in the civic sense and the members of the secularist milieu has been and still is an object of discussion. Especially functionaries of the organisations repeatedly claimed and claim to represent a large part of the non-confessionals. Terms as 'sympathisers' or 'partially like-minded' make them implicitly humanist. See Frieder Otto Wolf, "Wer sind heute die Humanistinnen und Humanisten? Und wie können wir abschätzen, wie viele wir sind?," 11 February 2014, <https://saekulare-gruene.de/frieder-otto-wolf-wer-sind-heute-die-humanistinnen-und-humanisten-und-koennen-wir-abschaetzen-wie-viele-wir-sind/> [the text is a statement of the president of the *Humanistischer Verband Deutschland* (German Humanist Association) to the secularist working group of the party *Bündnis 90/Die Grünen*].

11 Todd Weir argues that, on the contrary, *Red Secularism* formed an integral part of Weimar culture, both for the activists who reached politically and culturally influent positions in those

German population still defined themselves as christians and were official church members.

However, there was a non-religious minority that assembled in distinct historical structures and set agendas in several working fields. These conditions shaped the situation of 1945, when the secularists reassembled after the war. They were likewise shaped by the years after 1933, when the national socialist regime immediately prohibited their organisations and destroyed their social networks.

Again, the most important change from Wilhelmine to Weimar freethought organisations was their shift in membership from the bourgeoisie, or new middle class, to the working class. Turning from a white-collar to a blue-collar phenomenon, freethought became a mass movement. While the *Deutscher Monistenbund* (German Monist League), one of the leading bourgeois freethought associations prior to 1914, never gathered more than 6,000 members and free-religious congregations numbered 50,000 ‘souls’,¹² the socialist *Verband für Freidenkertum und Feuerbestattung* (Association for Freethought and Cremation – VFFF) had nearly 600,000 paying members in 1928.¹³ Originally an association offering a burial (or rather, cremation insurance), the VFFF developed into a full-fledged *Vorfelddorganisation*.¹⁴ Altogether, freethought had been successfully integrated into the Ger-

years and for their (conservative) opponents who identified secularism as a core issue of menacing socialism. See Weir, *Red Secularism*, 21.

12 The religiously connotated ‘souls’ included every member of the household. The sources stress this difference of membership, as all other associations only referred to formal, paying members. Thus, the freethought almanack of 1914 qualifies that 50,000 souls correlate to nearly 18,000 members, according to Gustav Tschirn, “Das Freigemeindetum,” in *Handbuch der freigeistigen Bewegung Deutschlands, Österreichs und der Schweiz*, edited by Max Henning (Frankfurt am Main: Neuer Frankfurter Verlag, 1914 [second edition]), 123. The social structure of both free-religious congregations and freethought associations parallels this distinction: families were rather interested in the social life of congregations, while the associations with their programmatic approach and their public policy were more interesting for either younger bachelors or men pursuing a hobby or a mission without their wives or children. On the persistence of this dual structure in the secularist milieu, see Stefan Schröder, “Humanist Organizations and Secularization in Germany,” *Religion and Society in Central and Eastern Europe* 10, no. 1 (2017): 21–34.

13 Todd Weir, *Secularism and Religion in Nineteenth-century Germany. The Rise of the Fourth Confession* (Cambridge: Cambridge University Press, 2014), 279–281. The association grew out of the proletarian *Verein der Freidenker für Feuerbestattung* (Association of Freethinkers for Cremation), founded in 1905, and changed its name to *Deutscher Freidenker-Verband* (German Freethinker Association) in 1930. It should not be confused with the bourgeois *Deutscher Freidenkerbund* (German Freethinker Federation), founded in 1881 by Ludwig Büchner.

14 The term originated in research on the labour movement and refers to types of activist organisations that are intensely entangled with socialist or communist parties but are still completely autonomous from the parties’ structures. Autonomy is maintained by keeping separate local groups, holding regular member meetings, publishing journals, issuing membership cards, and

man socialist culture in the 1920s – which at the same time meant its alienation and disintegration from the non-socialist or non-working-class strata.

This also meant severe discursive and cultural changes. For example, the publications of the Monist League in the 1920s show a clear move to the left. Their publishing series, the *Monistische Flugschriften*, contained introductory scientific or naturalist literature, or classical critiques of religion from the beginning,¹⁵ but, increasingly, the texts actively adopted a marxist perspective and vocabulary.¹⁶ This rapprochement mirrors two developments: first, the aforementioned shift of the Monist League towards socialist and communist circles, which took place through both a withdrawal of elder and rather conservative actors and, second, a generational shift to a second generation of monists gaining functionary posts in the League and its local groups. This new generation consisted far less of successful academics stressing their state-supportive habitus but, rather, of (mostly young) academics who lacked job opportunities due to their familial background, their political involvement and/or their lack of prospective social networks. The second development is closely connected to that socio-structural datum: the labour movement of the 1920s provided such academics with job opportunities in the professionalising field of public education (e.g. in *Volkshochschulen*, mainly communally run adult education centres offering basic and extended education courses, as well as programmes heavily informed by the emergent field of Marxist science). Consequently, monists maintained their intellectualist habitus but transferred it from bourgeois, mainly academic circles to a broader public –, e.g. by the professional popularisation of scientific knowledge.¹⁷

the control of an autonomous budget. By embracing more issues than strict politics, they embedded their members in broader facets of daily life and ideology structure. Classical examples of such organisations are unions, women's and youth chapters, and worker's sports clubs.

15 To give some examples by quoting some title key words of the brochures: monism and religion, monism and clericalism, the development of the earth, mankind and cosmic space, human anatomy as proof of his descent, origins of faith and the pagan fundaments of christianity, miracle and worldview, religious epidemics. The series *Monistische Bibliothek. Kleine Flugschriften des DMB* (Monist Library. Small pamphlets of the German Monist League) published 47 volumes between 1920 and 1930 in Hamburg.

16 The most obvious works are: August Cyliax, *Gedanken eines Arbeiters über den Monismus und die Hamburger Richtlinien* 22 (1921); Adolf Franck, *Monismus und Sozialismus. Die Kultur der Gesellschaft* 26 (1922); Max von der Porten, *Konsequenter Materialismus* 35 (1924); and Theodor Hartwig, *Historischer Monismus. Sinn und Bedeutung der materialistischen Geschichtsauffassung* 37/37a (1925).

17 The interference of public education and social democracy started before 1914 and became massive in the 1920s – not only in Germany, but also in Austria and the Czech Republic. For public education, see Dieter Langewiesche, "Freizeit und ‚Massenbildung‘. Zur Ideologie und Praxis der sozialdemokratisch-gewerkschaftlichen Volksbildung in der Weimarer Republik," in *Neue*

Another context for the change to a mass phenomenon is education. While the confessional school and compulsory religious education were harshly contested but nevertheless remained nearly untouched in the Wilhelmine period, the situation in the Weimar Republic reached a pacifying compromise: public schools remained confessional, i.e. state schools were run communally and provided one kind of confessional religious education, which virtually all children attended. Generally, the communes could also establish *Simultanschulen*, *Gemeinschaftsschulen* or *Sammelschulen*, schools providing more than one kind of confessional education by organising classes along confessions or by separating the pupils for religious education lessons.¹⁸ These schools were, however, contested in the Weimar years, and in most German regions, clear confessional identities prevailed, meaning that the educational pillarisation¹⁹ of religious milieus was often defended (except for religiously mixed regions as metropole regions). Furthermore, the compromise allowed the children of dissidents to be more easily exempted from confessional religious education. They could either attend *Lebenskunde*, a

Erziehung – ‚Neue Menschen‘. *Ansätze zur Erziehungs- und Bildungsreform in Deutschland zwischen Kaiserreich und Diktatur*, edited by Ulrich Herrmann (Weinheim/Basel: Beltz, 1987). For Vienna, see Mitchell G. Ash and Christian Stifter, *Wissenschaft, Politik und Öffentlichkeit. Von der Wiener Moderne bis zur Gegenwart* (Vienna: Wiener Universitätsverlag, 2002).

18 All three terms stress different perspectives on these schools: *Simultan* (‘simultaneous’) refers to an ecclesiastical context, i.e. the (historically rare) joint use of churches by Catholics and Protestants likewise; *Gemeinschaft* (‘community’) refers to the pedagogical idea of integrated learning; and *Sammel* (‘collect’) refers to the practical dimension that these schools simply gathered children from religious minorities. Generally speaking, the issue of co-educating religiously diverse children was highly contested, as churches, as well as parent’s initiatives, agitated in favour of separated schools. See Franz Walter, “Der Bund der freien Schulgesellschaften,” in *Religiöse Sozialisten und Freidenker in der Weimarer Republik*, edited by Siegfried Heimann and Franz Walter (Bonn: Dietz Nachfolger, 1993), 306–312.

19 The concept of pillarisation (*verzuiling*), has been derived for phenomena of the Dutch modern society, i.e. the arrangement of public life according to (non-)confessional boundaries and thus the formation of enclosed social milieus with only scarce points of contact. Consequently, the Dutch society of the nineteenth and early twentieth centuries consisted of a catholic, a protestant and a secular *zuil* (‘pillar’), with some scholars dividing the secular pillar into a socialist and a liberal one. Speaking of Germany, this milieu closing process never happened to be that successful, but respective confessional secularist or socialist identities gained relevance in the German society of that time; see Olaf Blaschke, “Das 19. Jahrhundert: Ein Zweites Konfessionelles Zeitalter?” *Geschichte und Gesellschaft* 26, no. 1 (2000): 38–75. In this context, the insistence of parents to produce and maintain mono-confessional schools resembles the logics of a pillarised society – the social reality may not have been enclosed milieus, but the endeavour and perception of this ideal connects this German case to the Dutch model.

newly established school subject conveying secular moral education, or join a *Bekenntnisfreie Schule*, one of the few newly established secular schools.²⁰

Additionally, the youth chapters of the diverse freethought associations expanded and professionalised, and thus developed into a proper youth milieu, which was often closely connected to social democrat or communist organisations. A product of this growth is the increasing visibility and normality of public *Jugendweihe* celebrations for parts of the urban proletarian youth.²¹

With this background of political affinity, the freethought associations and their activities were abolished as early as 1933 (with a prelude in 1932, when communist freethought associations had already been dissolved). Openly social democrat and communist associations were part of the first wave of bans but later, the smaller, non-political ones were also prohibited. As with most milieus, freethought spanned a broad spectrum and a small fraction welcomed the new political wind blowing through Germany. Conservative freethinkers who had been marginalised in the Weimar years now stressed their potential overlaps with national socialism and embraced the new regime. For example, Heinrich Schmidt, who had been Ernst Haeckel's assistant and president of the Monist League in 1919/1920, zealously strived for the public recognition of Haeckel. After 1933, he overtly conflated monism with national socialist ideology when he stressed the biological character of Haeckel's research and directly related it to racist or eugenic positions.²² Yet this path of adaption was viable only for a comparably small part of the broader movement, namely for the marginalised middle class milieus and especially for academics with a background in the natural sciences.²³ Apart from that, attempts to comply freethought with national socialism failed miserably, as all sorts of organi-

²⁰ The term denotes a school without any confessional predefinition, i.e. a school with no religious education at all. See Horst Groschopp, "Hundert Jahre ‚weltliche Schule‘ und ‚Lebenskunde‘," *Beiträge zur Geschichte der Arbeiterbewegung* 62, no. 2 (2020): 31–42; and Susanne Enders, *Moralunterricht und Lebenskunde* (Bad Heilbrunn: Julius Klinkhardt, 2002).

²¹ *Jugendweihe* denotes a complex phenomenon in German history: originally introduced as free-religious alternative to the protestant rite of confirmation, it diffused into the workers' movement as *rite de passage* with graduation. In the GDR, it became a publicly organised ritual 'integrating the youth into the socialist society'. Even after reunification, *Jugendweihe* has persisted as a *rite de passage* in large parts of Eastern Germany.

²² Uwe Hoßfeld, "Haeckels ‚Eckermann‘: Heinrich Schmidt (1874–1935)," in *Klassische Universität und ‚akademische Provinz‘: Die Universität Jena von der Mitte des 19. bis in die 30er Jahre des 20. Jahrhunderts*, edited by Matthias Steinbach and Stefan Gerber (Jena/Quedlinburg: Dr. Bussert & Stadeler, 2005).

²³ Other protagonists were Ludwig Plate (Haeckel's successor as chair of biology in Jena), Wilhelm Schallmeyer (also a disciple of Haeckel and known eugenicist), or Alfred Ploetz (founding member of the Monist League and leading German eugenicist around 1910).

sations remained prohibited and the protagonists of the earlier decennia were not recognised as honourable predecessors of the national socialist movement.²⁴

Organised German Freethought Post-1945

After 1945, the starting conditions for organised freethought were not ideal. There was a small but certain stratum of dissidents among the German population. The remainders of formerly prohibited freethought associations also existed, together with their former members who had been persecuted for 12 years – often rather for their related political identities as communists or social democrats than for their freethought activities. Nevertheless, there were still former active members who now formed different patterns of action in re-establishing their organisations. These patterns reacted to different starting conditions which are illustrated here in a four-field matrix (Figure 1) integrating geographical (or rather block) locations and class locations.

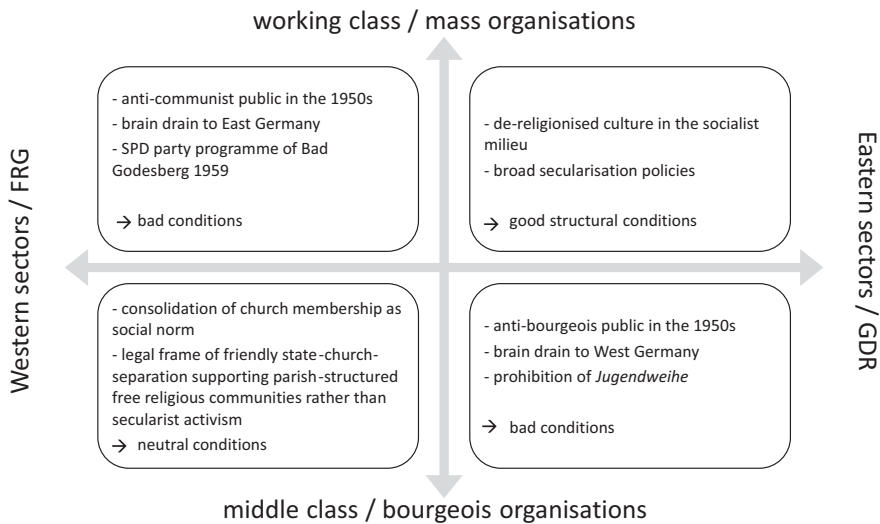


Figure 1: The secularist field in Germany after 1945.

²⁴ The American historian Daniel Gasman made this conjunction and declared Ernst Haeckel and the Monist League to be the origin of national socialism. See Daniel Gasman, *Haeckel's Monism and the Birth of Fascist Ideology* (New York: Peter Lang, 1998).

As described above, class is just one dimension of this classification. The organisations can also be presented generationally. The bourgeois formations date from the 1880s to 1910, while the working-class groups originated rather after 1900. Both can also be presented according to their organisational structures – the former had a quite small membership with a rather intellectual horizon of activities, while the latter became mass organisations in the 1920s, with a rather politicised and mobilising portfolio of activities. As a result, they constitute two different social formations, that developed differently under the emerging conditions of two different political systems in Germany after 1945. These different models will be discussed separately and in more detail in the following sections.

Conditions in the Western Sectors and the FRG

Starting with the upper portion of the diagram's left side, it is obvious that the late 1940s and 1950s provided bad starting conditions for socialist or communist freethinkers. They had lost members through the Nazi persecution and now, they were again potential suspects in the formative years of the Cold War. Moreover, these milieus suffered from a brain drain. As the Eastern sector, and later the GDR, developed a socialist system, a good deal of this milieu left for good.²⁵ Another vital point was the internal development of the German Social Democrat Party, which, in 1959, adopted a new programme in Bad Godesberg that dropped marxism and class struggle as the means and aim of the party.²⁶ Its most important effect in this context was its enforcement of the party position towards religion. Religion was declared to be a private matter (as had been done in earlier party programmes), but now the party explicitly embraced christian workers in its attempt to open up to the broader middle classes. This policy fundamentally

25 This point cannot be overstressed. The brain drain from East to West in the formative years of the FRG and GDR is normally described as one-way. There was, however, also a flow of individuals from West to East, although it was generally fewer and affected less neuralgic professionals. Nevertheless, their loss was significant for this movement and its associations.

26 On the SPD and its programme, see Michael Klein, *Westdeutscher Protestantismus und politische Parteien: Anti-Parteien-Mentalität und parteipolitisches Engagement von 1945 bis 1963* (Tübingen: Mohr Siebeck, 2005); and Karim Fertikh, *L'Invention de la Social-Démocratie Allemande. Une Histoire Sociale du Programme Bad Godesberg*, (Paris: Éditions de la Maison des sciences de l'homme, 2020). Pamela Camerra-Rowe stresses the eminence of the programme as a party myth and point of reference by quoting the then-chancellor Gerhard Schröder (SPD) who called *Agenda 2010* a grave socio-political reform, and a "second Godesberg" (Pamela Camerra-Rowe, "Agenda 2010: Redefining German Social Democracy," *German Politics & Society* 22, no. 1 (2004), 4). See also Weir, *Red Secularism*.

weakened those groups that had intensely entangled secularism with class struggle, which had been the main reason for the successful enlargement of the above-mentioned proletarian associations in the 1920s. With the new policy, those groups completely lost their fundament and never recovered their numbers.²⁷

The classical freethought associations such as the Monist League or the Free-thinkers' Association also survived national socialist rule. Their personal losses were, however, more of a generational kind, as the functionaries of the Weimar period were already older and were now retired or dead. The Monist League's membership figures had already declined to 3,000 members in the 1920s, and re-organised in 1946, with only 600 members. Ten years later, there were only 300 members left.²⁸

The same is true for the free-religious communities. These communities and associations essentially continued their pre-war activities in the following decades, that is, they identified either as parishes or as pressure groups. As they had been granted a corporative status, in 1919, as *Weltanschauungsgemeinschaft* ('worldview community'), a status in parallel with the privileged religious communities, they mainly focused on parish work, i.e. inner-communal activities and youth education. But numerically, they melted down to local congregations recruiting their members almost exclusively from their own ranks. In 1998, Steffen Rink, called them (together with the old catholics and the unitarians) "fossils of the history of religion", as they represented a historical momentum for the development of new religious communities in the nineteenth century that started as dynamic groups, but "petrified" in the twentieth century, forming quite static, small organisations.²⁹

Those organisations engaged with a public agenda did not succeed either in producing or upholding a broad societal visibility of secularist stances: they published, albeit on a small scale, or focused on legal activism by campaigning for the legal equality of non-religious citizens. For example, they demanded secular

27 There is still a small, quite encapsulated sub-milieu of secularist social democrats, mainly in West German cities. Interestingly, these circles seem to function as carriers of a West German *Jugendweihe*-tradition, e.g. in Hamburg and Braunschweig (information by Thilo Rother). 'Encapsulated' really refers to the fact that these associations and networks form part of a family tradition.

28 Weir, *Secularism*, 281. Arnher E. Lenz and Ortrun E. Lenz, "Der Deutsche Monistenbund nach 1945," in *Darwin, Haeckel und die Folgen. Monismus in Vergangenheit und Gegenwart*, edited by Arnher E. Lenz and Volker Mueller (Neustadt am Rübenberge: Angelika Lenz, 2006).

29 REMID, *Die Alten unter den Neuen – ‚Fossilien der Religionsgeschichte‘* (Marburg: REMID, 1998). Today, four federal countries are still acknowledging free-religious communities as corporative religious bodies: Baden-Württemberg, Rhineland-Palatinate, Hesse, and Lower Saxony. These regions also mark their historical strongholds mainly in Southwestern Germany.

substitute subjects for religious education or sued against labour laws that gave advantages to churches as employers.

A third and special case is the Unitarian Community, as it developed very differently in West Germany than it did in the rest of the world. While internationally unitarianism is rather liberal, free-religious, and non-denominational, the German branch developed through the influence of disillusioned German Christians in strongly conservative directions, therefore withdrawing themselves from mainstream discourses and public attention. This seclusion went hand in hand with a stronger focus on internal communication and community works, individual (and mystical) religiosity and *völkisch* theorising.³⁰

Thus, to sum up the situation in the Western sectors and the FRG, there was a resumption process, though on a small scale. This marginal position also resulted from a highly conservative societal climate in the Adenauer years that have long been described as an era of restoration and re-christianisation.³¹ There has been some growth of freethought activism since the late 1960s, but secularist organisations, as well as the non-religious as a societal stratum remained marginal.³² Church membership continued to remain the norm, cooperation of German administrative institutions and church representatives represented the post-1949 idea of a friendly or cooperative separation of church and state.³³ This dominance was unbroken until reunification, when the East German population weighed in a highly non-religious societal stratum.³⁴

30 Ulrich Nanko, "Religiöse Gruppenbildungen vormaliger 'Deutschgläubiger' nach 1945," in *Antisemitismus, Paganismus, Völkische Religion*, edited by Hubert Cancik and Uwe Puschner (München: Saur, 2004).

31 See Thomas Großbölting, *Der verlorene Himmel. Glaube in Deutschland seit 1945* (Göttingen: Vandenhoeck & Ruprecht, 2013), 93f. He presents a plausible argument, but also denotes it a chimera, as the effects of this re-christianisation were short-lived and the churches were unable to reanimate closed religious milieus.

32 A similar growth can be witnessed in the British humanist movement. It is connected to the student movement: humanism could establish itself as a representative of a liberal, progressive lifestyle and recruited new members. See Callum Brown, David Nash and Charlie Lynch, *The Humanist Movement in Modern Britain. A History of Ethicists, Rationalists and Humanists* (London: Bloomsbury, 2023). The same is true for West Germany, though on a small scale.

33 The most famous manifestation of that concept is Ernst-Wolfgang Böckenförde's dilemma that democratic states rest on preconditions that they cannot guarantee – and his solution that these can only be provided by institutionalised religion. See Ernst-Wolfgang Böckenförde, "Die Entstehung des Staates als Vorgang der Säkularisation," in *Staat, Gesellschaft, Freiheit. Studien zur Staatstheorie und zum Verfassungsrecht*, edited by Ernst-Wolfgang Böckenförde (Frankfurt am Main: Suhrkamp, 1976), 60.

34 In 2022, demography marked a significant point: after decades of slow decline, the membership rate of the public churches in Germany sank below 50 percent (not that the other 50 percent

Conditions in the Eastern Sector and the GDR

The broad secularisation of the East German population is often mentioned as one of the outcomes of 40 years of socialist politics. It also corresponds to the aforementioned notions of socialist policies as being anti-religious. Indeed, GDR officials established and enforced a broad range of secularist policies. While granting the individual freedom of religion, the GDR saw itself as a laicist state and curtailed conditions for religious institutions. Subsidies to religious communities were rigorously cut. Scientism and scientific approaches were broadly implemented in the educational system in the school reforms of the 1950s, through the massive expansion of public education facilities, and by banning religious education from public schools (it still could take place in the parishes but without any financial or structural support).

All these policies were deeply rooted in socialist cultures, which were also already widely de-religionised or secularist through the influence of the freethought mass organisations of the 1920s.³⁵ Many functionaries had biographical ties to the pre-war or interbellum freethought organisations. They had family ties to the free-religious congregations, as these had been alternative sociability forums during Bismarck's Anti-Socialist Laws (such as sports clubs or choirs), they had their *Jugendweihe* either in one of these congregations or in the proletarian freethinker organisations of the 1920s, or they had been socialised in party milieus where freethought had just been habitual. These functionaries also narrated typical deconversion biographies, i.e. stories about their liberation and move to socialism entailed accounts of emancipation from a conservative, bourgeois or rural, but often religiously connotated milieu.³⁶ Secularists could thus seriously expect to find sympathy and support from them.

are non-religious, as there is also a wide array of religious minorities). See *Deutsche Welle*, "Record numbers leaving Germany's churches," 28 June 2022, <https://www.dw.com/en/germany-record-numbers-leaving-churches/a-62286684>.

³⁵ But the process of dereligionisation is older than the twentieth century. Lucian Hölscher's *Datenatlas* shows clearly that those protestant regions that were to become the GDR after 1945 were already more alienated from the church than comparable Southern or Western German regions. Church attendance was already surprisingly low in cities like Berlin or Leipzig: only one-sixth of the parish members attended Sunday services at least once a year (Hölscher, *Datenatlas*, vol. 2, 420 and 549).

³⁶ To give one example: Walter Ulbricht (1893–1973) had his *Jugendweihe* in the free-religious community in Leipzig in 1907. He was, together with "some other children in his class, whose fathers were members of the SPD", exempted from religious education. For that, they were suspects. Carola Stern, *Ulbricht. Eine politische Biographie* (Cologne/Berlin: Kiepenheuer & Witsch, 1964), 21. See also Weir, *Red Secularism*, 139–141.

More practically, it became more difficult to re-establish freethought associations in the Eastern sector than in the Western sectors. Middle-class organisations (freethinkers or free-religious) met with an anti-bourgeois political climate that fundamentally suspected them of being counterrevolutionaries; they encountered the same prejudice as their working-class fellows in the Western sector, even though they could quite easily testify to not having benefited from the national socialist regime, as they were forbidden since 1933. On the individual level, this proof was much more difficult for the middle-class associations: as their members were recruited from technical, administrative, and free professions, they were generally more likely to have been related to governmental or professional institutions that had been organised according to the regime. Consequently, uncorrupted members and potential functionaries were structurally harder to find than in working-class organisations. This barrier fundamentally handicapped the reorganisation of middle-class freethought. Unsurprisingly, for political, economic or personal reasons, the former members of these associations left East Germany as part of the brain drain of trained professionals to the Western sectors. A last incentive for this clientele may have been the official prohibition of the *Jugendweihe*-celebrations for free-religious communities in the GDR in 1950.

As these barriers did not exist for the former working-class organisations in the Eastern sector, the circumstances were more beneficial and the path seemed wide and open for a revival of the disbanded secularist mass associations as socialist recruitment or activist organisations. Yet it came differently and the stagnated growth or sterility was not only due to policies and structures inside the GDR alone. Rather, difficulties confronting secularist reorganisation were also caused by the hegemonic power of the region, the Soviet Union.

To begin with, the official Soviet position towards religion and the formation of the critique of religion had significantly changed during World War Two: Stalin had restored the state's relationship with the Russian Orthodox Church in 1943, and the secularist movement, especially the League of the Militant Godless, had declined. Consequently, it could not serve as a role model in Germany anymore. But the state's focus on religion changed again in the early 1950s – to individual criminalisation, persecution and direct political agency against religious communities. Jewish institutions had been disbanded since the late 1940s, and 1953 saw the doctors' plot affair, a series of show trials against physicians, among them Jews, that verbalised the whole spectrum of anti-semitic prejudices. Also, in 1954, the Soviet state started a reinforced propaganda campaign against both religious

institutions and individual believers.³⁷ In contrast to the anti-religious campaigns of the 1920s and 1930s, which depicted religious beliefs and believers as outdated and ridiculous, this new campaign put more effort into glorifying the technological, secular age that socialism and communism were about to bring. Ridiculing religion may still have been a subject, but questions of religious vs. secular worldviews were marginalised in favour of the promises of science. In short, the Soviet Union did not provide role models for freethought or secularist sociability anymore. Rather, the state turned its attention away from the negative critique of concrete religions and to the positive pronouncement of a distinct technological and scientific worldview.

The German freethought associations had also been busy popularising scientific knowledge and worldviews through their public lectures and pamphlets, and successfully addressed an interested audience. Now, the (mainly secular) socialists in the GDR had access to the whole society in multiple pathways – and they used these opportunities by professionalising this work. The content was pedagogically revised and rearranged; structurally, it was centralised and tied closer to state institutions, e.g. the Ministry of Education. A main instrument to accomplish this strategy was to re-establish and foster the *Urania*, an older, Berlin-based public education forum in the milieu of the *Deutsche Gesellschaft für Ethische Kultur* (German Society for Ethical Culture) centred around an observatory.³⁸ *Urania* was re-founded in 1954, as an institutional hybrid, it was officially autonomous but in fact entangled with state institutions. Together with the boards for the organisation of the newly established state-related *Jugendweihe*-celebrations, *Urania* became the central diffusor of the scientific worldview in the East German context. The organisation arranged lecture series and exhibitions, published magazines and books and edited *Weltall, Erde, Mensch* ('Space, Earth, Man'), the book presented at *Jugendweihe*-celebrations until 1974.³⁹ Freethought associations dou-

37 Victoria Smolkin, *A Sacred Space is Never Empty. A History of Societ Atheism* (Princeton: Princeton University Press, 2018); Jeffrey Veidlinger, "Was the Doctors' Plot a Blood Libel?," in *Ritual Murder in Russia, Eastern Europe, and Beyond: New Histories of an Old Accusation*, edited by Eugene M. Avrutin, Jonathan Dekel-Chen and Robert Weinberg (Bloomington: Indiana University Press, 2017); and Richard Madsen, "Religion under Communism," in *The Oxford Handbook of the History of Communism*, edited by Stephen A. Smith (Oxford: Oxford University Press, 2014), 589.

38 On the *Urania*, see Thomas Schmidt-Lux, *Wissenschaft als Religion. Szientismus im ostdeutschen Säkularisierungsprozess* (Würzburg: Ergon, 2008); and Thomas Schmidt-Lux, "Das helle Licht der Wissenschaft. Die Urania, der organisierte Szientismus und die ostdeutsche Säkularisierung," *Geschichte und Gesellschaft* 34, no. 1 (2008): 41–72. On the German Ethical Movement, see Weir, *Secularism*, 133; and Enders, *Moralunterricht*, 55–83.

39 The book circulated in millions of copies and spanned three central dimensions of the scientific worldview: cosmological, geological and anthropological/historical knowledge.

bling the official scientification efforts simply did not fit in this pattern of centralised and state-entangled public education.

Moreover, with a potential focus on community work (which may have been inherited from their free-religious predecessors), organised freethinkers did not fit into the pattern for the development of a full-fledged socialist society. Sociability was either clustered in the sphere of workspaces, i.e. in a *Brigade* or a *Kollektiv*,⁴⁰ or in the sphere of civil activities. Here, non-religion and the critique of religion were no longer deemed important measures for the transformation of society. Although there were still churches and religions in the GDR, they were not tackled as targets of public agitation anymore. Their relative acceptance in GDR society is due to ideological and empirical reasons. Ideologically, the party functionaries expected the establishment of a socialist state on German soil to be such a fundamental societal transformation that questions of religion were simply expected to become obsolete in the new system. Empirically, the early years of the GDR saw confrontations with religious institutions – most notably the introduction of the aforementioned *Jugendweihe* celebrations as an institutionalised *rite de passage* to adulthood. Not only were the free-religious communities not allowed to celebrate *Jugendweihe* anymore and the rite was re-branded as festive introduction into the ‘socialist workers’ collective’, it also came to rival the protestant rite of confirmation, which traditionally accompanied ceremonies when graduating from elementary school. Originally planned as an additional offer, the churches opposed it, demanding that their members to boycott the public festivity. But within a few years, more families participated in *Jugendweihe* than in confirmation. By the 1980s, more than 90 percent of each cohort participated in the socialist rite. The churches had sought to confront the *Jugendweihe* and had lost.⁴¹ This left the impression amongst the state officials that religion was a force to be furthermore neglected and freethought agitation was not needed.⁴²

A final reason for the rupture in freethought traditions in the GDR lies in a historical burden. Lenin’s criticism of positivism (and also of Wilhelm Ostwald as a protagonist of this philosophical approach) in *Materialism and Empirio-criticism* from 1909 brought a lasting verdict on the philosophical work of the scholar and

⁴⁰ Both refer to groups of colleagues in a company: while the former refers to the totality of all colleagues in a certain working unit, the latter were optional groups dedicated to certain issues or hobbies, e.g. music, dramatic play, or amicable relations to colleagues in the Soviet Union.

⁴¹ Uta Karstein, *Konflikt um die symbolische Ordnung. Genese, Struktur und Eigensinn des religiös-weltanschaulichen Feldes* (Würzburg: Ergon, 2013), 128–133.

⁴² But finally, an Association of Freethinkers in the GDR, the *Verband der Freidenker der DDR*, was established in 1989. On this process, see Eva Guigo-Patzelt’s chapter in this volume.

on his freethought activism.⁴³ This met with the confrontational reception of a bifurcated freethought milieu with a bourgeois and a proletarian camp. Consequently, critics of religion in the GDR referring to Ernst Haeckel or Wilhelm Ostwald were easily suspected of being revisionists, i.e. subjects with a bourgeois mindset, keeping themselves busy with the wrong persons, the wrong questions and the wrong perspectives. When the East German historian of science, Friedrich Herneck, published a compilation of essays on the critique of religion by Ostwald in 1960,⁴⁴ he explicitly stressed Ostwald was a chemist, Nobel Prize laureate and generally a reliable scientist. Although Ostwald's arguments are mostly conventional arguments that were by their content absolutely valid in the socialist context of the critique of religion, Herneck was nonetheless suspected of rehabilitating another bourgeois, basically wrong-minded thinker and for corrupting the proper socialist scientific worldview as it was constructed and popularised by public education.⁴⁵

Not only was the freethought milieu unable to re-organise under the conditions of a secularist state, it was also difficult to take up intellectual traditions of freethought and the critique of religion in the public sphere without being suspected of being revisionist and not supportive of the state. GDR secularism was therefore not only secularist in the sense of an anti-religionist agenda or hostility towards organised religion; it was also hostile towards organised forms of worldview secularism.

43 Lenin called Ostwald a “very important chemist and very confused philosopher”; see Naum Rodnyj and Jurij Solovjev, *Wilhelm Ostwald* (Leipzig: Teubner, 1977), 7. Ostwald was president of the Monist League from 1911 to 1915 and a productive publisher of the critique of religion.

44 Wilhelm Ostwald, *Wissenschaft contra Gottesglaube. Aus den atheistischen Schriften des großen Chemikers*, edited by Friedrich Herneck (Berlin: Urania, 1960); Friedrich Herneck, *Der Chemiker Wilhelm Ostwald und sein Kampf um die Verbreitung eines naturwissenschaftlich begründeten Weltbildes: Ein dokumentarischer Beitrag zur Geschichte der Naturwissenschaft und ihrer atheistischen Traditionen* (Habilitation, University of Berlin [East], 1961). While the former was published by the *Urania* and thus approached the issue in a quite popularised manner, the latter was Herneck's postdoctoral qualification.

45 As a historian of science, Herneck lost his teaching permission in 1958 for revisionism: he had worked on the philosopher Ernst Mach (who had been Lenin's main target in *Materialism and Empirio-Criticism*). See Christoffer Leber, *Arbeit am Welträtsel. Religion und Säkularität in der Monismusbewegung um 1900* (Göttingen: Vandenhoeck Ruprecht, 2020), 9; and Dieter Hoffmann, “Herneck, Friedrich,” in *Wer war wer in der DDR? Ein Lexikon ostdeutscher Biographien* (Berlin: Christoph Links, 2010 [fifth edition]).

Conclusion

Turning back to the analytical question of the interconnections of the non-religious and their respective state contexts, the case of German organised freethought after 1945 shows that concrete historical non-religious formations depend directly on social, cultural, and political frameworks and spheres of action. The two German states provided diametrical conditions for the (re)formation of freethought associations – fundamentally disadvantaging one stratum, while giving a structural advantage to another. That is, both states could have served as a harbour for divergent but substantial parts of the freethought milieu of the early twentieth century. Both groups, however, failed to continue previous traditions and use historical resources. In the FRG, this disruption was heavily connected to the negative standing of freethought and the critique of religion in a religion-friendly political system and a conservative, religionised public discourse – at least until the late 1960s. In contrast, in the GDR, freethought and the critique of religion were unable to establish themselves as a substantial dimension of the new socialist order: the historical tradition of German freethought was widely delegitimised and religion itself was deemed so marginal and unproductive that discussing it critically would have brought unnecessary attention to the issue. Religion was silenced, and non-religion no less so. In conclusion, the secularist policy of the GDR not only targeted (organised) religion but also (organised) non-religion – judging from its historical traditions, the socialist system perceived organised freethought as an integral part of the religious field, rather than as a non-religious sphere of its own.

Though located in different settings and bound to different frameworks of societal activity, the result was the same: organised freethought was marginalised in both German states in the twentieth century.

Eva Guigo-Patzelt

The East German Association of Freethinkers (1988–1991), “Last Ideological Offensive” and Ultimate Troublemaker to the Political System

The announcement of a creation of a *Verband der Freidenker in der DDR* (Association of Freethinkers of the GDR – VdF) after more than 40 years of communist rule hostile to any such project came as a complete surprise to the East German newspaper readers in January 1989. Attempts to recreate a League of Freethinkers between 1945 and 1947 had been turned down by the communist KPD party, for the sake of cooperation with the christian CDU party, and the still 94 percent christian population.¹ What is more, according to many East Germans, there also seemed to be no more need for a specific organisation: “In a sense, the freethinkers’ requests had been assimilated by the policy of the SED”,² the Socialist Unity Party of Germany stemming from the union of the communist KPD and the social democratic SPD. When the state system is thoroughly shaped by and for non-believers, notwithstanding some possibly temporary concessions to the still influential churches, when the social life is dominated by the communist party, the – of course, secular – cultural associations and the unique youth association, *Freie Deutsche Jugend* (FDJ), what might be missing that freethinkers could do more or better? Or more precisely, what would the same people do differently and better under the label ‘freethinkers’? The association’s preparation and its launch event on 7 June 1989 aroused passionate reactions ranging from applause to dismay. It was called a sect or the SED’s “atheist ‘church’”, a “SED de luxe” and a “federation of good samaritans”,³ and received more than 2,400 letters from the population.⁴

1 Horst Groschopp and Eckhard Müller, *Letzter Versuch einer Offensive: Der Verband der Freidenker der DDR (1988–1990). Ein dokumentarisches Lesebuch* (Aschaffenburg: Alibri Verlag, 2013), 11–25.

2 Andreas Fincke, *Freidenker – Freigeister – Freireligiöse. Kirchenkritische Organisationen in Deutschland seit 1989* (Berlin: Evangelische Zentralstelle für Weltanschauungsfragen, 2002), 6. See Katharina Neef in this volume.

3 Gerd Dietrich, *Kulturgeschichte der DDR, Band III: Kultur in der Konsumgesellschaft 1977–1990* (Göttingen: Vandenhoeck & Ruprecht, 2018), 2060; Groschopp and Müller, *Letzter Versuch*, 28; 175.

4 Groschopp and Müller, *Letzter Versuch*, 129–130.

Deep disagreement also prevails in the not very extensive historiography produced in reunited Germany's "plural world of undenominational",⁵ often by former actors such as Horst Groschopp. The debate focused on the reasons and main goals that motivated the Association of Freethinkers' creation and the decision to do so at that very time, between the end of 1988 and mid-1989, that is, in the midst of the Pacific Revolution and while relations between the authorities and the Protestant Church stiffened. The Politburo mentioned the project in the context of an "ideological offensive" on 15 November 1988, and decided on its creation on 6 December 1988.⁶ The state of the documentation makes it difficult to go further back: some ascribed the initiative to SED General Secretary, Erich Honecker, or suspected different factions within the Politburo.⁷ As the association's archives have not been discovered to this day, attempts to reconstruct its short history have to rely on oral history and on documents preserved by other bodies, leaving substantial space for suppositions.⁸ Added to this is the imprecision created and maintained, more or less intentionally, by several players at the time. It is clear that the objectives assigned to the Association of Freethinkers by different actors have diverged. The Politburo seems to have seen it as a new tool for propagating its worldview and ideology, and countering the influence of the churches.⁹ Various documents produced by the Ministry of State Security (Stasi), emphasise the "reactionary" forces within the churches and the religious influence that should be tackled.¹⁰ By suggesting – without talking openly about it – a return to

5 Andreas Fincke, *Woran glaubt, wer nicht glaubt? Lebens- und Weltbilder von Freidenker, Konfessionslosen und Atheisten in Selbstaussagen* (Berlin: Evangelische Zentralstelle für Weltanschauungsfragen, 2004), 3.

6 See the documents published in Groschopp and Müller, *Letzter Versuch*, 57, 80–90.

7 Fincke, *Freidenker*; Alfred Hoffmann, "Mit Gott einfach fertig". *Untersuchungen zu Theorie und Praxis des Atheismus im Marxismus-Leninismus der Deutschen Demokratischen Republik* (Leipzig: St. Benno Verlag, 2000), 292–293.

8 Documents from different archives have been published in Groschopp and Müller, *Letzter Versuch*; Gerhard Besier and Stephan Wolf, "Pfarrer, Christen und Katholiken". *Das Ministerium für Staatssicherheit der ehemaligen DDR und die Kirchen* (Neukirchen-Vluyn: Neukirchener, 1992, 2nd edition). For evidence given by former actors, see also Fincke, *Woran glaubt*; Horst Groschopp, "Kampfgruppe gegen die Kirche?," *MIZ* 4, no. 13 (January 2013); Dietrich Mühlberg, "Gab es in der DDR Freidenker? oder Was wurde 1989 gegründet?," in "Kein Jenseits ist, kein Aufersteh'n", *Freireligiöse in der Berliner Kulturgeschichte*, edited by Horst Groschopp (Berlin: Bezirksamt Prenzlauer Berg, 1998), 224–236.

9 Politbüro, Information zur Bildung des VdF an 1. Sekretäre der Bezirksleitungen vom 22.12.1988 bzw. 9.1.1989, published in Groschopp and Müller, *Letzter Versuch*, 86–90.

10 Various documents and quotations expressing the Stasi's position in Groschopp and Müller, *Letzter Versuch*, 93–95; 108. Also Bernd Schäfer, "Tendenzen und Inhalte von atheistischer Propaganda und wissenschaftlichem Atheismus 1957–1989," in *Aufarbeitung und Versöhnung, Band VI:*

the more aggressive methods of the 1950s and 1960s, they were able to ‘satisfy’ a certain fringe within the SED.¹¹ However, the Stasi underlined that “there is understandably no interest in proclaiming the atheistic character of the association on every town square”.¹² As to the government, it approved the Politburo’s decision to create the association with the words: “Questions on the resolution are not possible!”¹³ This deliberate secrecy weakened the position of the heads of the association by putting them under the strong suspicion of being instrumentalised by the ruling party and/or manipulated by the Stasi.¹⁴ They claimed their independence by asserting a divergence between the initial plans of the Stasi and the party, on the one hand, and the reality on the ground, on the other: without archives, the debate is hard to decide.

This chapter aims to contribute to a more evidence-based history of this still largely unknown association thanks to documents left by some very active protagonists of the Association of Freethinkers that had never been noticed before and prove very helpful to better understand the SED’s “last ideological offensive” (Groschopp and Müller). Several Marxist specialists on religion, working in the scholarly field called scientific atheism indeed did their best to make their presence and influence felt in order to define the new association’s profile. The GDR had adopted ‘scientific atheism’ in 1963, following the Soviet example, without being able to replicate the whole range of methods and research topics, but with the same requirement to provide a more precise knowledge of religion in order to foster atheism more efficiently.¹⁵ Olof Klohr, professor at Warnemünde near Rostock and East Germany’s most prominent scientific atheist, was one of 43 members in the preparatory committee set up on 13 January 1989; his participation in several meetings in

Zur Arbeit der Enquete-Kommission “Leben in der DDR. Leben nach 1989 – Aufarbeitung und Versöhnung” (Schwerin: Landtag Mecklenburg-Vorpommern, 1997), 193.

11 Joachim Heise, “Kirchenpolitik von SED und Staat: Versuch einer Annäherung,” in *Kirchen in der Diktatur: Drittes Reich und SED-Staat, Fünfzehn Beiträge*, edited by Günther Heydemann and Lothar Kettenacker (Göttingen: Vandenhoeck & Ruprecht, 1993), 139–140; Schäfer, “Tendenzen,” 192–194; interview with Horst Dohle and Joachim Heise at Berlin, 25 November 2015. An example can be found in SAPMO-BArch DY 30/26306 Czepuck to Hager, 23 March 1989.

12 Notiz des Parteisekretariats des MfS zur VdF-Gründung, 13 January 1989, published in Groschopp and Müller, *Letzter Versuch*, 108.

13 Ministerrat der DDR, Beschluß vom 23. Dezember 1988 zur Bildung eines Verbandes der Freidenker der DDR, published in Groschopp and Müller, *Letzter Versuch*, 92.

14 See for instance an article by Klaus Sühl in *diesseits* 6 (March 1989), published in Groschopp and Müller, *Letzter Versuch*, 126–128.

15 See my PhD dissertation on scientific atheism in the GDR: “Du conflit au dialogue: L’athéisme scientifique en RDA (1963–1990)” (PhD dissertation, Sorbonne University, 2021).

1989 is verified.¹⁶ His colleague, Hans Lutter, East Germany's main Marxist specialist on protestantism, gave a talk on the VdF's founding congress on 7 June 1989, and headed a regional section. These were only the most prominent among the group of scholars to get involved in the new association. According to his daughter, Olof Klohr had been one of its initiators.¹⁷ The archives left by the network of scientific atheists, however, make the VdF's creation appear rather as an outside event and as a surprise even to them, the experts appointed to assist the Politburo on atheism and religious policy. As Groschopp already noted, the decision makers in the Politburo were certainly not aware of the challenges the new association created,¹⁸ the scientific atheists, were all the more so. For the VdF was not just one association among so many others: it was perceived, both by its critics and by the scientific atheists, as a significant innovation that upset a very delicate balance and made it necessary to reconsider the relations between the state, believers and non-believers. These questions echoed already ongoing reflections within the group of scholars about the place of the churches within the GDR system. Interpellations by opponents to the new association pressed Olof Klohr, Hans Lutter and their colleagues to find answers and speak out. The way they found to integrate the Association of Freethinkers in the East German system, led them to attempts to make the association fit to the vision they could make up of freethought in 1989's East Germany. To understand their strategy, it is first necessary to appreciate the unparalleled challenge this association made them face.

¹⁶ Articles in *Berliner Zeitung* 12 (January 1989): 1, 5; and 252 (October 1989): 4; and in *Neues Deutschland* (January 1989; April 1989); and *KNA Berlin Dienst* 11 (January 1989); Archives of the *Berliner Institut für vergleichende Staat-Kirche-Forschung* (BISKF), collection Klohr, no. 140 Klohr to Bachmann, 6 January 1989.

¹⁷ Interview with Simone Mönch at Tempel, 29 July 2019.

¹⁸ See the quotations given in Groschopp and Müller, *Letzter Versuch*, 17–18, 31.

Theoretical Problems and Persistent Questions for the GDR's Specialists on Religious Issues

The Association of Freethinkers as a Challenge to Marxist-Christian Dialogue

The VdF split up the SED. Some of its members were glad of what might be the return to the anti-religious militancy they had missed since the 1960s.¹⁹ Other communists thought the SED a sufficient framework to think freely and distrusted a new organisation that would be more difficult to control. Or they simply did not expect any benefits of yet another heavy organisation.²⁰ Indeed, the VdF emphasised mass enrolment and volunteer work. Regional sections created in March 1989 gathered about 230 personalities, with the founding congress in June even having 400 participants. By the end of June, 11,000 East Germans had asked for membership, mostly employees in education and the medical sector. They were to be organised into neighbourhood groups, district sections and regional sections, covering the whole country on the same pattern as the SED.²¹

The scientific atheists, already very active in the party structures and other organisations, were also disunited by the VdF but not for organisational issues. Since the 1950s, Olof Klohr and his colleagues had already sustained the activities of the Urania Society for the Dissemination of Scientific Knowledge and reflected on the socialist rituals in Rostock at the end of the 1950s, with a focus on the coming-of-age celebrations and in the 1980s, with special focus on secular funerals. They had also been in contact with freethought organisations of other countries.²² For the scientific atheists, the most visible effect of the up-coming VdF was to hinder the christian-marxist dialogue they were the main marxist supporters of in East Germany. Olof Klohr, in particular, had been long to convert to meetings with christian fellow citizens and had not gone for the term dialogue before 1984.²³ In 1986 to 1988, however, dialogue meetings prospered throughout the country and dialogue was the

19 Heise, "Kirchenpolitik", 139–140; Schäfer, "Tendenzen," 192–194; interview with Horst Dohle and Joachim Heise at Berlin, 25 November 2015. An example may be found in the federal archives in Berlin: SAPMO-BArch DY 30/26306 Czepuck to Hager, 23 January 1989.

20 Mühlberg, "Freidenker."

21 Dietrich, *Kulturgeschichte*, 2,058–2,061.

22 On Klohr's contacts with West German and Austrian freethinkers and international freethinkers' congresses, see BISKF Kaul 14 Document s. t. on international relations, 10; *Atheistische Forschungen* 2 (1963): 10–12.

23 For more detail, see Eva Guigo-Patzelt, "An Inner-Marxist Dialogue on the Dialogue': Stumbling Blocks in East German Marxist Scholars' Exchange with Christians," in *Christian Modernity*

group's common project to be developed in research, conferences, teacher training and university lessons. The group had been very careful when considering the question and beginning to put dialogue into practice, notwithstanding competing, negative opinions on the dialogue inside their own party. The VdF upset this delicate situation. Not only dialogue-willing christians knew about the scientific atheists' commitment to dialogue: especially the professors among them, Klohr, Lutter and Wolfgang Kliem, from the Berlin Academy of Social Sciences, had often made the case for dialogue in interviews and articles or on the radio.²⁴ They had spoken in countless meetings in various settings to convince their fellow citizens of the new policy.²⁵ Even Western German journals quoted their statements.²⁶ As to their protestant and catholic partners, because of their close ties to the ruling party, the scientific atheists continuously had to reassure them about their genuine will to start a dialogue worth this name. The doubt returned more acutely than ever when the christians learned about the VdF. As quickly as SED members, they remembered past fights against christianity and the church linked to the word 'freethinkers', be it in Germany before 1933, or by the League of Militant Godless in the Soviet Union. Viola Schubert-Lehnhardt, once a member of the scientific atheism network, remembered well why the discredited name 'freethinkers' had been replaced by 'humanists' soon after the end of the GDR.²⁷ Konrad Feiereis, professor in the catholic seminary in Erfurt, consultant for the Pontifical Council for Dialogue with Non-believers and the main catholic main promoter of dialogue in the GDR, provides an example for the negative associations with 'freethought'. Klohr and Feiereis met at an international dialogue meeting in Budapest in October 1986,²⁸

and *Marxist Secularism in East Central Europe: Between Conflict and Cooperation*, edited by Jure Ramšak, Gašper Mithans and Mateja Režek (Zagreb: Srednja Europa, 2023), 135–150.

24 *Deutsche Zeitschrift für Philosophie* 37, no. 5 (1989); *Weißenseer Blätter*, no. 5 (1985) and no. 4 (1986) and 1 no. (1987) and 1988 and no. 1 (1990); *Navigator*, no. 2 (1989): 1, 3; articles may also be found in *Einheit, Neue Zeit, Problem des Friedens und des Sozialismus, konsequent, Gewerkschaftsleben, Glaube und Heimat, Union, Deutsche Volkszeitung Die Tat*. Many documents in BISKF Kliem 91, 96, 124, 126, 137 (also on a radio conference on 23 February 1989); Private Archive Jürgen Scholze.

25 Many examples may be found in BISKF Kliem 74, 78, 124, 137; SAPMO-BArch DY 30/27216, 6–128; BArch DO 4/1023, 1,250–1,252; BISKF Gysi 3 and box "Originale"; Private Archive Manfred Düsing; supported by the interview with Horst Dohle and Joachim Heise at Berlin, 25 November 2015.

26 Collection of articles in the Protestant Archive in Berlin, ELAB 55.1/343 and 389; BISKF Kliem 137.

27 Interview with Viola Schubert-Lehnhardt at Halle, 26 October 2022.

28 *Wissenschaftlicher Atheismus Forschungsberichte* (WA FB) 45, 1988; BISKF Kaul 5, 6; BISKF Kliem 91, 100; SAPMO-BArch DY 30/59660 1–6, 15; Konrad Feiereis, "Möglichkeiten und Grenzen

they then kept in touch through correspondence²⁹ and held a public dialogue meeting in Erfurt in front of 350 to 400 students in April 1988.³⁰ Feiereis also came to know Wolfgang Kliem, Wolfgang Heyde from Dresden, Franklin Borrmann from Jena and Wolfgang Krayer from Leipzig University.³¹ Between 1988 and 1990, Feiereis had a close and uneasy look at the emerging VdF. A note in his private archive, rediscovered in Erfurt in 2022, attaches the East German freethinkers to the German pre-Nazi and to the Soviet traditions and states, “[t]he goal of free-thought consists still today of abolishing religion and the churches, substituting pseudo-religious rituals to the church sacraments, putting a ‘humanism’ motivated by philosophical materialism in the place of religion and eliminating the church influence in education and social work”.³² As for the VdF more specifically, Feiereis noted: “Task: struggle + prop[aganda]” and was alarmed about the special attention given to young people: “Aim: Youth”, “Against Church. It’s about the youth”.³³

While the conference of East German catholic bishops did not want to engage in a vehement public controversy,³⁴ Feiereis, best known for his contacts with marxists, expressed his concern in a series of articles in April 1989, under the title “The Free Thought – a problem for Christians?” There he wondered, “What is going to prevail: Preservation of ‘togetherness’ in this country or offensive spreading of the marxist world-view. The future will tell!”³⁵ Two weeks later, he asked what might happen to the marxist-christian dialogue he had done so much for: “Will this good way be harmed by the foundation of an ‘Association of Freethinkers of the GDR?’”³⁶ Very naturally, these questions were directed to his previous partners in

des Dialogs aus der Sicht eines katholischen Theologen,” *Utopie kreativ*, 129/130 (July-August 2001): 709–721.

29 Forschungsstelle für kirchliche Zeitgeschichte Erfurt (FKZE), Collection Feiereis.

30 Feiereis, “Möglichkeiten”; Konrad Feiereis, “Katholische Theologie in der DDR – Chance, Grenze, Selbstverständnis,” *Hochschule Ost* 4 (July-August 1995): 54.

31 Feiereis, “Möglichkeiten,” 718; BISKF Kliem 17 Invitations for Kliem 1989.

32 FKZE Feiereis, Handwritten notes, 3. Many other documents on freethought have been preserved in this collection.

33 FKZE Feiereis, Handwritten notes on Zentralrat der FDJ, Information zum Thema: Bildung eines Verbandes der Freidenker, January 1989, 1–3.

34 Archives of the diocese Erfurt, Sekretariat bzw. Vorsitzender der BOK/BBK und Außenstelle Berlin des Sekretariats der DBK, L I 12b: Protokolle über Sitzungen der Evangelisch-Katholischen Konsultativgruppe, 11 May 1989 and 21 November 1989; ROO: Vorsitzender / Sekretariat der BOK/BBK bzw. Außenstelle Berlin des Sekretariats der DBK, Protokolle 1988–1989, several plenary assemblies of the East German bishops in 1989.

35 Konrad Feiereis, “Das Freidenkertum – ein Problem für Christen?,” *Tag des Herrn* 13, 2 April 1989, 6.

36 Konrad Feiereis, “Das Freidenkertum – ein Problem für Christen?,” *Tag des Herrn* 15, 16 April 1989, 6.

dialogue, the scientific atheists. The up-coming VdF did not seem to fit with what Feiereis had understood of their ideas. Thus he did not charge them directly with “the creation of a Association of Freethinkers this year without requirement for it among the population, endowed with the status of a legal person the churches are deprived of”.³⁷ But being his previous contacts, they were exposed to inquiry. As members of the SED, they were expected to explain the politics of their own party: quite a difficult position for the scientific atheists who felt their credibility fall. In response to a private letter from Feiereis’, Klohr repeated his willingness to meet and discuss the situation in an amiable fashion. He had no concrete pieces of information and his attempts to reassure the catholics owed more to his personal wish than to the objective situation when he wrote,

I understand the impatience of so many christians in the GDR awaiting clear positioning of the freethinkers. But please show understanding for our hesitant statements, for at present we are still forming our opinion and in the phase of discussion [. . .]. So much is for sure: there will be no change in our axiomatic positions to religion, church and christians. We think, on the contrary, that discussions, dialogue and cooperation between marxists and christians will be fostered rather than hindered by the VdF.³⁸

Feiereis’ inquiries are but one example of what the scientific atheists had to deal with. Two members of the theological research department of the Federation of Protestant Churches also chose to express their concern about the impending founding of the Association of Freethinkers in a letter addressed to Olof Klohr.³⁹ His assistant, Wolfgang Kaul, and his colleague, Hans Lutter, had to face a sympathiser of jehovah’s witnesses who described the teacher training college headed by Lutter as “a kind of stronghold in matters of atheism and freethought” and grumbled about “the state-run freethought”.⁴⁰

The Association of Freethinkers, Evidence for an Ineffective Separation between the State and Creed?

Both this critic and Konrad Feiereis, as well as many other letter writers, highlighted the problematic legal status and the ambiguous relations between the forthcoming

37 Konrad Feiereis, “Das gemeinsame europäische Haus. Bereiche der Zusammenarbeit zwischen Ost- und Westeuropa,” in *Deutsche Zeitschrift für Philosophie* 38, no. 5 (1990): 417.

38 FKZE Feiereis, Klohr to Feiereis, 17 April 1989, 1.

39 Letter mentioned in Hoffmann, “*Mit Gott einfach fertig*”, 292–293; ELAB 55.1/343 epd Landesdienst Berlin Nr. 53, 15 March 1989.

40 BISKF Kaul 14 Gebhard, Notiz in Sachen Freidenkerverband, 12 August 1989, 1–2.

Association of Freethinkers and the East German party state. For a long time, critical voices from inside and outside the GDR had picked up the expression *atheistischer Weltanschauungsstaat* ('atheist worldview state') coined by the East German catholic hierarchy, and had become used to decrying the East German regime as an 'atheist state'. Variants can be found as late as 1998, in Dietrich Mühlberg's assertions that "erstwhile the GDR has been atheist" and "the state had enlightenment [*aufklärerisch*] objectives".⁴¹ The scientific atheists had done their best to invalidate this widespread criticism by all means, in articles, research papers, conference talks and university lessons. Their argumentation was mainly a legal one, based on the East German constitution that proclaimed the separation of the state and the churches, and guaranteed religious freedom and freedom of conscience. Moreover, they argued, a state as such was unable to hold any convictions of its own, therefore it could be neither religious nor atheist. No more would they accept the idea of an 'atheist society': according to them, atheism or religion could only apply at the individual level.⁴²

The VdF blurred these lines of argumentation. Where should it find its place in an allegedly strict separation between the state and the church? If freethinkers were to be set on an equal footing with the churches, they would be the 'atheist church' already denounced by the churches who feared a new competitor. However, if competition was the objective, it would be distorted from the very outset: actually, the VdF was meant to be operated by the means of the state. As decided by the Politburo on 6 December 1988, the East German state had to finance the future association and its many full-time jobs: information in documents ranges from 60 to 206 employees, 80 seems to be a reasonable assumption.⁴³ The regions and districts were to provide office space and other facilities. Nonetheless, the future association's imbrication with the SED was at least as strong, for the employees were to be registered on the Central Committee's nomenclature and their work would be controlled by the Central Committee's propaganda department. For the East German believers, the VdF thus called into question principles that had long prevailed. To some, it was the ultimate evidence for the existence of the

41 Mühlberg, "Freidenker," 251.

42 Olof Klohr, *Marxismus-Leninismus, Atheismus, Religion*. Rostock-Warnemünde (Rostock: Ingenieurhochschule für Seefahrt, 1978); WA, series 1, no. 8 (1980): 47–49; *Forschungsberichte und Beiträge* (F.u.B.), 22, 1980, 33–38, and 29, 1981/1982, 57–75, and 38, 1984, 431–479; Wolfgang Heyde, "Der Sozialismus als Idee und Realität in der Interpretation durch den Protestantismus" (PhD dissertation, Dresden University, 1977), 213, 277; BISKF Klohr 133 Klohr, Gutachten zur Dissertation B von Heyde, 18 December 1977, 6. A similar argumentation is documented for Soviet scholars in F.u.B., special issue 1989, 58–59, 142.

43 Groschopp and Müller, *Letzter Versuch*, 80–90.

'atheist state' they had always suspected. The most optimistic christian observers, on the contrary, detected a potential loophole in the monopoly the state and the SED had claimed so far, especially as regards youth activities. If the VdF was to become an alternative organisation for young people from the age of 14 or even 13 alongside the traditional FDJ, church leaders would not miss the occasion to ask once more for the permission to create their own youth organisations. In an interview on the creation of the VdF, Feiereis was more than eager "that the state be 'de-ideologised' [. . .]. What is at stake is that a state would be neither 'atheist nor christian'."⁴⁴ The scientific atheists' emphasis on the separation of the church and state had been reversed in favour of the christians.

Special attention was given to the role the VdF would play in organising the *Jugendweihe*, the secular coming-of-age ceremony performed since the late 1950s by more than 80 per cent of 14-year-olds.⁴⁵ It had been a major subject of struggle between the party state and the christian churches when introduced in 1954. Church authorities decided to declare this ritual mutually exclusive with the protestant and catholic confirmation and relied on families to choose the religious ceremony for their children and reject the secular one. Those remaining resistant to the *Jugendweihe* in the 1980s continued to denounce the pressure put on the children in school and discrimination in their high-school and job perspectives. Several observers now expressed the hope of seeing the VdF take over the organisation of the *Jugendweihe* from the *Jugendweiheausschüsse*, which were under the control of the Council of Ministers. As several documents show, this would have been perceived as clarification of its atheist and optional character: the *Jugendweihe* could no longer be presented as a declaration of loyalty to socialism or the GDR, and young christians would feel more free to refuse it.⁴⁶ As a note from the Catholic Bishops Conference put it, the question was "whether they want to give up the philosophical totalitarian claim still linked to the *Jugendweihe*. This would be the case if they entrusted it to the freethinkers."⁴⁷ The VdF did not intend to do christian citizens this favour. Keeping up the ambiguity, a member of the emerging regional division of Suhl called the ceremony an "avowal of the young people

⁴⁴ Quoted in FKZE Feiereis KIPA, Nr. 159, 8 June 1989, no. 159, 11.

⁴⁵ Mariana Chaulia, "La Jugendweihe: continuités et changements d'un rite hérité de la RDA," *Revue française de science politique*, 53, no. 3 (2003): 384.

⁴⁶ "Der Anfang geht immer mit. Die Jugendweihe und ihre Wurzeln in Deutschkatholizismus und Freidenkertum," *St. Hedwigsblatt*, 30 April 1989, 1; FKZE Feiereis, Backhaus to Möller, 28 February 1989, and press articles.

⁴⁷ FKZE Feiereis Vollversammlung der Berliner Bischofskonferenz, 7 March 1989, Betr.: Freidenkerverband der DDR, 4.

to their socialist state but not an avowal to atheism”, therefore the VdF had no intention of supplanting the *Jugendweihe* committees. Nevertheless “naturally” it would “actively support” them.⁴⁸ These contradictions were fully perceived by the catholic observers and, once more, Olof Klohr appears in the front line.

The Scientific Atheists’ Involvement with the Association of Freethinkers

Boycott the VdF or Try to Change it? The Scientific Atheists’ Dilemma on the Best Strategy

The uneasy position the VdF put scientific atheists in led to opposite reactions, either to distance themselves from it or to make the best of it by active commitment. Some members of the research network emphatically opposed it, if their retrospective witness is to be trusted. So did Wolfgang Kleinig from Humboldt University, Manfred Düsing from Freiberg and Sybille Bachmann from Rostock.⁴⁹ As specialists in atheism and religion, most scientific atheists were asked to participate in the VdF at a local, regional or national level. Manfred Düsing said he refused to enlist,⁵⁰ Peter Kroh did not see the point and kept his distance.⁵¹ Bernd Stoppe was sent to a freethinkers’ meeting in Berlin but opted out afterwards.⁵² His doctoral student, Uwe Funk, was reluctant.⁵³ The State Secretariat for Church Affairs, which had prominent members in the scientific atheism network, said it was “not able to give direct support by one of its staff members to the event

48 FKZE Feiereis Möller to Backhaus, 9 March 1989.

49 Interviews with Horst Dohle and Joachim Heise at Berlin, 25 November 2015, with Horst Dohle at Berlin, 27 July 2016, with Manfred Düsing at Freiberg/Saxony, 7 July 2016; Wolfgang Kleinig, “Lehre und Forschung von Religion und Atheismus an der Sektion/Institut für Philosophie der Humboldt-Universität zu Berlin (1980–1990),” *Berliner Dialog-Hefte* 5, no. 1–4 (1994): 18–30, a position confirmed in BISKF Kliem 78 Handwritten notes, 24 November 1989; Sybille Bachmann, “Zum Staat-Kirchen-Verhältnis und dem Miteinander von Christen und Marxisten in der DDR 1945–1990 (Referat an der Universität Würzburg),” March 1991.

50 Interview with Manfred Düsing at Freiberg/Saxony, 7 July 2016.

51 Interview with Peter Kroh at Neubrandenburg, 7 October 2016.

52 Interview with Kurt Fleming and Bernd Stoppe at Leipzig, 27 July 2019.

53 Interview with Uwe Funk at Leipzig, 23 July 2019; University Archive Leipzig UAL R 1263 pages 164 and 176.

planned by [the VdF].⁵⁴ The State Secretary himself wrote more outrightly: “NO/ The State Secretariat has no relationship with the VdF”.⁵⁵

Other members of the network, however, got involved. Their spontaneous commitment to the VdF gave way to contradictory and repeated debate within the *Problemrat Weltanschauliche Probleme der Zusammenarbeit von Kommunisten und Gläubigen* (Council on Cooperation between Communists and Believers). In February 1989, Klohr had to justify his position in front of his colleagues, trying to explain, “Why [an] Association of Freethinkers now?”⁵⁶ As it could not be established he had been consulted before the VdF’s creation, and as he did not have access to clear and solid information himself, he cannot be expected to give the objective answer on the association’s origins that scholars are still looking for today. As a loyal and longstanding party member, Klohr simply made the case for his party’s policy, as he had always done. And as one of the party’s foremost and oldest experts on religion and atheism, he may very well have believed his own answer was the right and appropriate one to fill in the gap the Politburo had left.

In the same vein, a participant in these internal discussions recommended that the council should try to influence the new association’s profile. As Sybille Bachmann remembered, “half forced, they wanted to defuse the anti-church orientation from within”.⁵⁷ Different actions were considered: the scholars thought about Lutter and Klohr getting actively involved in the association on behalf of the group and writing a pamphlet *gegen militante Atheisten* (“against militant atheists”).⁵⁸ Klohr suggested integrating the subject into university lessons to better inform students.⁵⁹ It was thought about a consultation by the working groups in charge of research coordination and of teaching in scientific atheism with the leaders of the Association of Freethinkers, supporting it with their expert opinion – which is one way to exert an influence – and asking his president for a talk.⁶⁰

Scientific atheists did not reach consensus on these actions and did not realise all of them. In addition, personal conviction may have dominated over the concern for a common strategy. For instance, ultimately, they did not present their vision of

54 BArch DO 4/1023 page 1,239 Handel to Albert, 3 November 1989.

55 BArch DO 4/1023 page 1,240. Handwritten on Albert’s letter, 27 October 1989.

56 BISKF Pacholik Handwritten memo, Leitung Problemrat, 17 February 1989.

57 Bachmann, “Miteinander,” 14.

58 BISKF Kliem 122 Handwritten memo, Leitung Problemrat, May (?) 1989.

59 BISKF Pacholik Handwritten memo, Leitung Problemrat, 17 February 1989.

60 BArch DR 3, 2. Schicht, 1204 Göhring to Böhme, 2 June 1989; BArch DR 3, 2. Schicht, 1204 Arbeitsstandpunkt, March 1989; BArch DO 4/1023 p. 1,282–1,285 Ständige Arbeitsgruppe Wissenschaftlicher Atheismus, Konzeption zur Durchführung des VII. Sonderlehrgangs.

the VdF to their students, even though it did arouse debates in the universities.⁶¹ Among the realisations was an important involvement of Klohr's Warnemünde and Lutter's Güstrow research collectives in the freethinkers' regional groups created in June 1989; Lutter took the presidency in the district of Schwerin. The association was presented at Klohr's engineering college.⁶² At the Czech border, Jürgen Scholze who had followed Klohr at the head of the working group in charge of teaching in scientific atheism, engaged in the local freethinkers' committee in March 1989.⁶³ In the south of the GDR, Viola Schubert-Lehnhardt entered the VdF as a founding member or very shortly after, invited by her doctoral supervisor: she mainly remembered assistance given to the preparation of *Jugendweihe*.⁶⁴ At the founding congress, Lutter campaigned for "a trustful dialogue based on partnership" (*vertrauensvoller und partnerschaftlicher Dialog*) and rejected anti-religious propaganda.⁶⁵ Several members of these two research collectives, such as Renate Billinger, Hannelore Volland, Wolfgang Kaul, as well as Viola Schubert-Lehnhardt from Halle University, filled the pages of the VdF's new publications. Indeed the writings and declarations of the small group of involved scientific atheists occupied the stage in the media about the VdF. Olof Klohr's declarations were repeatedly picked up in the press, suggesting sometimes he was a spokesman of the VdF, a status he did not hold.⁶⁶ The small pamphlet the Council on Cooperation between Communists and Believers had imagined was published under the title "The Association of Freethinkers' relationship to religion, christians and churches."⁶⁷ Scientific atheists regularly wrote not only in the new *Freidenker-Journal*.⁶⁸ They also started their own collection published by the regional direction of Rostock in order to expose their vision of what the VdF should be and do.⁶⁹

61 BArch DR 3, 2. Schicht, 544 Ständige Arbeitsgruppe Wissenschaftlicher Atheismus, Protokoll der Beratung am 28.4.1989 in Berlin.

62 *Navigator*, 3, 10 February 1989, 2.

63 Private Archive Scholze Press article, "Verband der Freidenker wird im Kreis Zittau gebildet," 11-12 March 1989.

64 Interview with Viola Schubert-Lehnhardt at Halle, 26 October 2022.

65 Hans Lutter, "Vertrauensvoller Dialog mit Gläubigen," in *Freidenker. Dokumente und Informationen*, edited by Rudolf Bense, Zentralvorstand des VdF der DDR (Leipzig: Urania-Verlag, 1989), 32–33.

66 Several examples in Groschopp and Müller, *Letzter Versuch*, 112–113, 138–140, 180–181.

67 Olof Klohr and Hans Lutter, "Das Verhältnis des Verbandes der Freidenker zu Religion – Christen – Kirchen". A copy has been preserved in SAPMO-BArch DY 24/11713.

68 *Freidenker-Journal* had five editions between December 1989 and October 1990.

69 *Freidenker. Argumente, Aufgaben, Informationen*, ed. Bezirksvorstand Rostock des VdF (Rostock: Ostsee-Druck, 1989 and 1990); two issues are recorded.

A Certain Vision of a Freethought Association

The direction the scientific atheists wanted to give the VdF was, first of all, to avoid a new struggle against religion and the churches. On the contrary, Olof Klohr claimed, “the Association of Freethinkers should and will be a step forward in the theoretical and practical promotion of dialogue and cooperation, it is in the continuity of looking for and finding political, social and intellectual common grounds with christians”.⁷⁰ The small pamphlet he published with Hans Lutter also asserted “the Association of Freethinkers therefore is no instrument of fight against religion and the church” and insisted on dialogue, common humanist goals and the separation between the church and the state.⁷¹ According to Klohr, the VdF also had an important and positive contribution to make in the field of counselling people in philosophical questions and practical decisions of life (*Lebenshilfe*). “Religious people find in the GDR manifold possibilities for joining organisations in order to find like-minded people, to ask for advice, to live in common”: not so, non-religious people.⁷² Therefore, Klohr thought it was perfectly legitimate to gather and discuss, all the more so since there were no simple answers to give: “As all science, marxism-leninism also depends on hypotheses. [. . .] It is an allegation to say within a scientific world view there would be only ready and finalised answers but no more questions”.⁷³ Even though Klohr did not systematise his position, it seems he believed in the genuine usefulness of such an organisation to give spiritual support to some people precisely because he did not consider the GDR an ‘atheist state’. Therefore, help with philosophical questions or ethical decisions had to be entrusted to a distinct organisation; this was not a state’s business and as a political party, the SED had other concerns.

So Klohr and his colleagues lost no time in starting this life-counselling support. Renate Billinger wrote on celebrations and how the VdF could help collect traditions, pass them on, put people in contact with providers or draw up models of celebrations. Wolfgang Kaul imagined consultation hours and a telephone service called *Telefon des Vertrauens* (“Telephone of Trust”).⁷⁴ But he was even more active, together with Hannelore Volland from Güstrow, in secular funerals. In ad-

70 Quoted from *Potsdamer Zeitung*, 41, 8 October 1989, in Groschopp and Müller, *Letzter Versuch*, 180–181.

71 SAPMO-BArch DY 24/11713 Klohr and Lutter, *Das Verhältnis des Verbandes der Freidenker zu Religion – Christen – Kirchen*, 1.

72 Olof Klohr, “Warum heute Verband der Freidenker?,” *Freidenker. Argumente, Aufgaben, Informationen*, 1 (1989): 7.

73 Klohr, “Warum heute Verband der Freidenker?,” 10–11.

74 See the two issues of *Freidenker. Argumente, Aufgaben, Informationen*.

dition to a special issue on the subject,⁷⁵ they both participated in the creation of a *Fachverband für weltliche Bestattungs- und Trauerkultur* ('Association for a Secular Culture of Funeral and Mourning') within the VdF in April 1990.⁷⁶

These projects for the VdF had to make their way against concurrent visions, as Klohr admitted in his letter to Konrad Feiereis quoted above. Some journalists, Stasi employees and SED members would rather tackle the church.⁷⁷ Several Stasi documents emphasised "reactionary" forces within the churches and the need to struggle against religious influence in order to make it disappear.⁷⁸ So did a decidedly church unfriendly document of the youth organisation's propaganda department. It also claimed, "The Association of Freethinkers of the GDR aims to spread the freethinking [*freigeistig*] worldview. Needless to say, that freethinking worldview, in our understanding, means scientific atheism".⁷⁹ The SED Politburo made very similar statements.⁸⁰ Interestingly, the scientific atheists themselves did not intend to take advantage of this opportunity to promote atheism or scientific atheism. Official declarations by the association's officials were more in line with their view, quite eager to deny any aggressivity against believers. The President of the VdF, Helmut Klein, professor at Humboldt University and member of the People's Chamber, foresaw "a trustful dialogue with believing fellow citizens" in his inaugural address just like the scientific atheists.⁸¹ Unlike them, however, he imagined one more field of action for the new VdF, that is a social dimension by special attention to categories such as parents of disabled children, wheelchair users, homosexuals.⁸² As Fincke put it, one of the VdF's possible uses would have been to "compensate for the shortcomings in social work with marginal groups".⁸³ This was not part of the scientific atheists' vision of freethought.

75 *Freidenker. Argumente, Aufgaben, Informationen*, 2, 1990.

76 Wolfgang Kaul, "Bestattungskultur und Trauerarbeit," *Freidenker Journal* 3 (1990).

77 Examples can be found in SAPMO-BArch DY 30/26306 Czepuck to Hager, 23 January 1989; Heise, "Kirchenpolitik," 139–140; Schäfer, "Tendenzen," 192–194; interview with Horst Dohle and Joachim Heise at Berlin, 25 November 2015.

78 Groschopp and Müller, *Letzter Versuch*, 93–95; 108; Schäfer, "Tendenzen," 193.

79 Conserved in FKZE Feiereis, Zentralrat der FDJ, Abteilung Propaganda, Information zum Thema: Bildung eines Verbandes der Freidenker, January 1989, 1.

80 Groschopp and Müller, *Letzter Versuch*, 86.

81 Helmut Klein, "Offen sein für alle Fragen, die die Menschen bewegen," in *Freidenker. Dokumente und Informationen*, 11. Similar statements have been preserved in FKZE Feiereis. See also the much-remarked article by Eberhard Schinck, "Über den Verband der Freidenker der DDR," *Einheit* 3 (1989): 276–278.

82 Klein, "Offen sein für alle Fragen." See also the statute published in the same booklet.

83 Fincke, *Freidenker*, 6; same analysis in Dietrich, *Kulturgeschichte*, 2,057.

Conclusion

Time was too short for the East German Association of Freethinkers to find its way and for us to judge which trend would have gained the upper hand. It was very strongly attacked on its links to the Stasi during the Pacific Revolution, heavily charged by its West-Berlin counterpart, and publicly denounced by the Central Round Table on 12 March 1990. Even though this panel of government representatives, old and new political parties and civil rights movements had no legal power, its influence on the political evolution and in the media was substantial. In June 1990, after only one year of existence, the VdF tried to make a fresh start as *Deutscher Freidenker-Verband e.V.* (German Association of Freethinkers – DFV), but it had to face massive membership loss and, finally, the majority of the remaining members joined what had formerly been the West German Association of Freethinkers based in Dortmund, in June 1991. Some of the former scientific atheists stuck to their commitment to freethought. Hans Lutter gave a speech on the freethinkers' assembly as late as 2000.⁸⁴ Wolfgang Kaul and Viola Schubert-Lehnhardt continued to work to improve secular and humanist funerals.⁸⁵ Their theoretical reflections of the very end of the 1980s, which were much broader than what has been presented here as linked to freethought, were soon out-of-date and had been forgotten. However, they do provide some note-worthy insights into the short-lived East German Association of Freethinkers. The documents they left underline the importance of the association's actors and gave a first, evidence-based glimpse of competing views of freethought inside the association itself.

⁸⁴ Interview with Christa Lutter at Güstrow, 10 August 2016; Fincke, *Freidenker*, 15.

⁸⁵ Interview with Viola Schubert-Lehnhardt at Halle, 26 October 2022.

Stefan Schröder

Organised Non-Religion and the State in Contemporary Germany: Religion-Related Incorporation and Inner Conflicts

Introduction

The episode “Go God Go” of the American animated sitcom *South Park* imagines a future scenario in the year 2546 in which all humankind has become atheist. However, this development has been accompanied by a schism between different denominations leading to a civil war between them. The United Atheist Alliance, the Unified Atheist League and the Allied Atheist Alliance – an army of hyper-intelligent otters – struggle with one another over one big question: under what name should organised atheism be known?

In the United States, an appearance in *South Park* is considered a sign of growing social impact. However, the satirical portrayal of organised non-religion in this episode also points to the limitations that accompany such heightened influence.¹ Ironically mirroring the allegedly ‘inevitable’ factionalism that arises among religious groups, the fragmentation of atheism through an exhausting fight about trivial matters (such as the best name for its organisation) hampers the formation of a united movement. The ambitious organisations undermine one another and, as a consequence, themselves.²

1 I draw on the understanding of ‘non-religion’ coined by Johannes Quack, “Outline of a Relational Approach to ‘Nonreligion,’” *Method and Theory in the Study of Religion* 26 (2014): 450, encompassing “all phenomena that are considered to be not religious (according to the constitution of a concrete object of inquiry, a larger discourse on ‘religion’, or according to a certain definition of ‘religion’), while at the same time, they stand in a determinable and relevant relationship to a religious field”. Accordingly, I use ‘organised non-religion’ as a term to refer to a wide range of organisations that explicitly demarcate their self-understanding from religion in a specific discourse on the one hand, but prominently relate this self-understanding to religion on the other. Depending on the respective socio-historical context and situational variables, religion-relatedness can occur in very different forms and shapes, i.e. it can be critical, dialogue-oriented, imitating, or cooperative. See also Stefan Schröder, *Freigeistige Organisationen in Deutschland. Weltanschauliche Entwicklungen und strategische Spannungen nach der Humanistischen Wende* (Berlin: DeGruyter, 2018), 21–26.

2 Stephen LeDrew, “Atheism Versus Humanism. Ideological Tensions and Identity Dynamics,” in *Atheist Identities. Spaces and Social Contexts*, edited by Lori G. Beaman and Steven Tomlins (Cham: Springer, 2015), 53–68; Steven Kettell, “Divided We Stand. The Politics of the Atheist Movement in the United States,” *Journal of Contemporary Religion* 29, no. 3 (2014): 377–391.

At first glance, recent developments in organised non-religion in Germany may appear to have taken this *South Park* depiction as an exemplary model: in 2019, the influential Bavarian branch of *Humanistischer Verband Deutschlands* ('German Humanist Association' – HVD) left the national umbrella, changed its name to *Humanistische Vereinigung* ('Humanist Federation' – HV) and opened branches in different German regions, including outside Bavaria.³ Two years later, a smouldering internal conflict within *Koordinierungsrat Säkularer Organisationen* ('Coordinating Council of Secular Organisations' – KORSO), a superordinate non-religious umbrella organisation, led to the withdrawal of HVD.⁴ As a consequence of this, KORSO changed its name into *Zentralrat der Konfessionsfreien* ('Central Council of the Non-affiliated') in the fall of 2021.⁵

However, attending more closely⁶ to the history of the current fragmented state of organised non-religion in Germany reveals a more complex picture. The main argument of this chapter is that – although it is undeniable that quarrels over trivial matters and a desire for recognition among stubborn spokespeople play a certain role – the main tensions and conflicts within organised non-religion in Germany originate in different ideas of how to shape and arrange one's own relationship to the state. Proceeding from these ideas, opposing policy strategies are identified, giving rise to two different ideal types of non-religious organisation in Germany.⁷ I call these the "social service type" and the "secularist pressure group type". The social service type conceives of organised non-religion as a humanist life stance, competing with collective religious actors in a worldview marketplace. On a political level, the main objective of this type of organisation is to be treated equally with collective religious bodies, especially in terms of state support and funding. The secularist pressure group type promotes organised non-religion as a scientific *Leitkultur* ('guiding culture' or 'leading culture'). It aims to

3 Ulrike von Chossy, "Zeit für Veränderung," accessed 20 April 2023, <https://www.humanistisch.net/36702/zeit-fuer-veraenderung/>.

4 Frank Nicolai, "Der Humanistische Verband verlässt den KORSO. Strategische Partnerschaft bleibt bestehen," accessed 20 April 2023, <https://hpd.de/artikel/strategische-partnerschaft-bleibt-bestehen-19142>.

5 "Zentralrat der Konfessionsfreien," accessed 21 April 2023, <https://konfessionsfrei.de/>.

6 This investigation is based on the central findings of my dissertation entitled *Freigeistige Organisationen in Deutschland. Weltanschauliche Entwicklungen und strategische Spannungen nach der Humanistischen Wende* (Berlin: DeGruyter, 2018), and subsequent fieldwork until 2022. For my dissertation I conducted ethnographic research between 2013 and 2016, composed by 23 semi-structured interviews with organisation officials, 16 participant observations of organisational meetings and events, accompanied by a broad range of found data analysis of archive material and official as well as internal organisational documents.

7 For a more detailed analysis on the two ideal types, see Schröder, *Freigeistige Organisationen*.

protect the political and public sphere from what it considers irrational influences, among them religion, homeopathy, multiculturalism and epistemic relativism. Non-religious secularist pressure group organisations reject any cooperation between the state and religious or non-religious groups for the sake of secularism.⁸

I will argue that this twofold division of organised non-religion in Germany is a result of legal and political re-configurations in the Weimar Republic and the current Federal State of Germany, as well as the reaction to these re-configurations among the organised non-religious. After sketching the situation in pre-Weimar times very briefly, in which the non-religious in Germany were united by a secularist policy, I will describe a selection of legal and political re-configurations in the Weimar Republic and the current Federal State, and show how they changed the potential nature of relations between the organised non-religious and the state in Germany. State cooperation and funding for non-religious organisations became possible on the grounds of legal and political arrangements that were originally created for religious communities. This is how the social service type came into being. I will then turn to the formation and development of *Humanistischer Verband Deutschland* as a prominent example of a social service type non-religious organisation and analyse how its equal treatment policy has repeatedly thrown into question whether secularism can serve as the uniting bond of the organised non-religious in Germany. Other non-religious collectives have been critical of this paradigm shift, and more recently with the formation of *Giordano Bruno Stiftung* ('Giordano Bruno Foundation' – GBS) in 2004, the twofold division of organised non-religion in Germany has taken its current shape. I will end the chapter with a short conclusion and reflection on the future outlook for organised non-religion by returning to the latest developments in Germany mentioned in this introduction.

German Organised Non-Religion in Pre-Weimar Times

Historiography on organised non-religion in Germany usually starts with the separation of free-religious congregations from the protestant lutheran and the roman catholic mainline churches in the 1850s. In both confessional milieus, pro-

⁸ In my understanding of 'secularism', I refer to José Casanova, "The secular and secularisms," *Social research* 76, no. 4 (2009): 1051–1052. He defines 'secularism' as a "statescraft principle of separation between religious and political authority". This principle is accompanied and legitimised by different types of "political" or "philosophico-historical" secularist ideologies which aim at separating politics respectively the public from religion.

test movements emerged against the conservative renewal of orthodox dogmatic theological positions after the failed German Revolution from 1848/1849. In terms of catholicism, this development was closely linked to Chaplain Johannes Ronge (1813–1887), a critic of celibacy, the prohibition of mixed confessional marriages, the belief in miracles and Marian piety. He was excommunicated for his appeals to initiate a national ‘german catholicism’ (*Deutschkatholizismus*) independent from Rome. At the same time, protestant theologians and lay preachers in Saxony and Prussia had committed themselves to historical-critical biblical exegesis and scientific rationalism. They formed a network called *Protestantische Freunde* (‘Protestant Friends’). All of this happened against the backdrop of the emancipatory and participatory claims of an emerging civil society in Germany. Although most of these groups initially maintained a religious self-identity and considered themselves parts of church reform movements, they gradually developed an anti-clerical and naturalist agenda. In an atmosphere of institutional suspension, political discrimination and social exclusion *Deutschkatholiken*, as well as *Protestantische Freunde*, eventually dissociated from the churches, both organisationally and ideologically, and formed the first national free-religious umbrella organisation (*Bund freireligiöser Gemeinden Deutschlands*) in 1859.⁹ “At a time when folk belief was not an abstract term, but defined culture, free-religious congregations irritated people in their everyday lives, questioned traditional contexts of meaning, attacked authoritarian legitimations and constituted intellectual circles. [. . .] In their social environments, the free-religious appeared as odd weirdos or firebrands who disturbed a divinely ordained public order”.¹⁰

9 Jochen-Christoph Kaiser, “Organisierter Atheismus im 19. Jahrhundert,” in *Atheismus und religiöse Indifferenz*, edited by Christel Gärtner, Detlef Pollack and Monika Wohrab-Sahr (Opladen: Leske + Budrich, 2003), 100–106; Todd H. Weir, “The Secularization of Religious Dissent. Anticlerical Politics and the Freigeistig Movement in Germany 1844–1933,” in *Religiosität in der säkularisierten Welt. Theoretische und empirische Beiträge zur Säkularisierungsdebatte in der Religionssoziologie*, edited by Manuel Franzmann, Christel Gärtner and Nicole Köck (Wiesbaden: VS Verlag für Sozialwissenschaften, 2006), 155–176; Ulrich Nanko, “Nationalliberale, sozialistische und völkische Freidenker zwischen 1848 und 1881. Zur Frühgeschichte des organisierten Atheismus im deutschsprachigen Raum,” in *Atheismus. Ideologie, Philosophie oder Mentalität?*, edited by Richard Faber and Susanne Lanwerd (Würzburg: Königshausen und Neumann, 2006), 183–197; Horst Groschopp, *Dissidenten. Freidenker und Kultur in Deutschland*, 2nd edition (Marburg: Tectum, 2011), 99–122.

10 Translated by the author from the German original: “In dieser Zeit, als Volksglaube kein abstrakter Begriff war, sondern Kultur vorgab, brachten die Freigemeinden Irritationen in den Alltag, stellten traditionelle Sinnzusammenhänge in Frage, griffen obrigkeitlich gesetzte Legitimationen an und konstituierten intellektuelle Gesprächskreise. [. . .] In der Umwelt erscheinen die Freireligiösen als weltfremde Sonderlinge oder als friedensstörende Aufwiegler, die eine von Gott gewollte Ordnung in Frage stellen” (Groschopp, *Dissidenten*, 115).

In the following years, internal conflicts within the free-religious movement arose over questions of proximity to christianity and its mainline churches in Germany. Whereas congregational practices and rituals remained church-like, more radical individual members strived to become not only free in their religiosity but also free from religion altogether. They rejected rites of passage and other church rituals as pre-enlightened religious remainders and turned towards a belief in scientific and technological progress. They can be considered pioneers of Germany's freethought movement, although the first national freethinker organisation (*Deutscher Freidenkerbund*) would not be formed until 1881, a year after the World Union of Freethinkers was founded. While a bourgeois wing of German freethought remained a loose circle of eccentric individuals – often writers who hoped for a wider publicity for their publications – left-wing and proletarian freethinker associations like *Verein der Freidenker für Feuerbestattung* ('Freethinker Society for Cremation') or *Zentralverband proletarischer Freidenker Deutschlands* ('Central Association of German Proletarian Freethinkers') were much more influential and would become a pillar of nineteenth and early twentieth century socialism in Germany. Most freethinker associations left traditional congregational structures and practices behind, engaged in popular-scientific public presentations, the publication of journals and periodicals like *Der Freidenker* ('The Freethinker') and ran public libraries and education centres for proletarians and their children. Others combined their secular outlook with scientific and/or nationalist ideas, and followed the monist vision of Ernst Haeckel (1834–1919) and Wilhelm Ostwald (1853–1932). Still others worried about the moral probity of society and joined ethicist congregations along the lines of the American ethicist leader Felix Adler (1851–1933).¹¹

However, putting aside all of these differences and conflicts over questions of worldview, practice and religion-relatedness, in the nineteenth and early twentieth century the organised non-religious in Germany shared a common denominator: the political project of secularism in the sense of a separation of state and church – or religion and politics in general. When the *Weimarer Kartell* ('Weimar trust') was established in 1907 as the first superordinate umbrella organisation in Germany (and as such a predecessor of *Zentralrat der Konfessionsfreien*), its founding document defined three major claims: the free development of the mind and resistance to all kinds of oppression; the separation of school and

¹¹ Groschopp, *Dissidenten*, 129–194; Frank Simon-Ritz, "Kulturelle Modernisierung und Krise des religiösen Bewusstseins. Freireligiöse, Freidenker und Monisten im Kaiserreich," in *Religion im Kaiserreich. Milieus – Mentalitäten – Krisen*, edited by Olaf Blaschke (Gütersloh: Gütersloher Verlagshaus, 1996), 457–475.

church; and the complete secularisation of the state.¹² At least two of these three claims reveal a distinct secularist programme. It is striking that the peculiar collection of the *Kartell's* member organisations – including the buddhist *Mahabodi-Gesellschaft* ('Mahabodi society') and the masonic lodge *Zur Aufgehenden Sonne* ('Up to the Rising Sun') – was held together by exactly this agenda.

This common denominator began to crumble with the political and legal changes in the Weimar Republic after the First World War, and even more so in the Federal State of Germany after the Second World War. This would re-configure the relationship between the non-religious and the state and thereby also the inner relations amongst the organised non-religious in Germany.

Legal and Political Re-Configurations in Germany in the Weimar Republic

The re-configuration of the relationship between the non-religious and the state in Germany is closely linked to the concept of *Weltanschauungsgemeinschaft* ('Wordview association'), coined by the constitutional assembly of the Weimar Constitution, which was passed in 1919 as successor of the constitutional monarchy from the German Empire (1871–1918). The assembly revisited revolutionary democratic ideas of the failed German revolution from 1848/1849, and some of its members were associated with non-religious organisations or shared a related worldview. Seats in the constitutional assembly were distributed by proportional representation, and the social democrats were the strongest faction.¹³

Article 137, paragraph 1 of the Weimar Constitution abolishes the state church of the German Empire. However, *Religionsgesellschaften* ('Religious societies'), above all the mainline churches, still keep a privileged legal status as *Körperschaften des öffentlichen Rechts* ('Foundations under public law') according to Article 137, paragraph 5 of the constitution. Until today, this status guarantees privileges like tax advantages, the right to appoint civil servants and to collect membership dues as taxes, as well as the automatic recognition as provider of the youth welfare sector. Furthermore, it is considered a symbol of public and political recognition and appreciation.¹⁴

¹² Groschopp, *Dissidenten*, 26.

¹³ Groschopp, *Dissidenten*, 59–60.

¹⁴ Christine Mertesdorf, "Weltanschauungsgemeinschaften im deutschen Verfassungsrecht," in *Konfessionsfreie und Grundgesetz*, edited by Horst Groschopp (Aschaffenburg: Alibri, 2010), 81–128.

Far more substantial than this semi-separation of church and state was the integration of paragraph 7 into Article 137 of the Weimar Constitution, in which *Weltanschauungsgemeinschaften* are put on equal legal footing with *Religionsgesellschaften*. Although the term *Weltanschauungsgemeinschaft* is not defined in the constitution and several legal disputes accompanied the question of whether specific organisations could be considered *Weltanschauungsgemeinschaften* or not, quite a few non-religious organisations successfully applied for the status *Körperschaft des öffentlichen Rechts* in the Weimar Republic and also re-gained it in the Federal Republic of Germany (founded in 1949), after it was revoked for most of them in Nazi Germany.¹⁵ Article 137 of the Weimar constitution was incorporated into Article 140 of the *Grundgesetz*, the constitution of the Federal Republic of German up until today.

In addition to the legal concept of *Weltanschauungsgemeinschaft*, the political principle of subsidiarity is important to understand the re-configuration of the relationship between the non-religious and the state in Germany. It claims that the state should only take responsibility for tasks that subordinate entities like the family or civic organisations cannot fulfil themselves, and this led to the practice of state funding for social and educational services of religious congregations and non-religious *Weltanschauungsgemeinschaften*.¹⁶

To understand how the legal concept *Weltanschauungsgemeinschaft* and the political principle of subsidiarity influenced and changed the internal dynamics and policy meshwork of organised non-religion in Germany from Weimar times onwards, I will now turn exemplarily to the formation and development of *Humanistischer Verband Deutschlands*, Germany's largest non-religious organisation in terms in membership today.

Humanistischer Verband Deutschlands

The German humanist association *Humanistischer Verband Deutschlands* (HVD) was established in 1993 as a national umbrella by different non-religious social service type organisations from the free-religious and freethinker spectrum on

¹⁵ Jochen-Christoph Kaiser, *Arbeiterbewegung und organisierte Religionskritik. Proletarische Freidenkerverbände in Kaiserreich und Weimarer Republik* (Stuttgart: Klett-Cotta, 1981), 279–290.

¹⁶ Karl Gabriel, “Subsidiarität als Leitsemantik und Strukturmerkmal des deutschen Wohlfahrtsstaats,” in *Religion und Wohlfahrtsstaatlichkeit in Deutschland*, edited by Karl Gabriel and Hans-Richard Reuter (Tübingen: Mohr-Siebeck, 2017), 363–396.

the federal state level. Among them, the ‘Berlin Freethinker Association’ (*Berliner Freidenkerverband*) was by far the most influential member organisation.¹⁷

Proletarian freethinker associations had formed a mass movement in the Weimar Republic with a membership of more than half a million. They were particularly attractive because of their range of social services, above all cremation funds and practice independent from church influence. Some of them gained the status of *Körperschaft des öffentlichen Rechts*. However, they also maintained traditional freethinker agendas by arranging campaigns to leave the churches and editing radical publications and journals like *Der Freidenker*.¹⁸ In Nazi Germany, however, all freethinker organisations were outlawed and their properties were confiscated. Officials were persecuted, imprisoned or even executed. Those who could, left the country. Because of their widespread ties to the labour movement and social-democratic or socialist political ideas and parties, members were criminalised as agitators of ‘cultural bolshevism’.¹⁹

After 1945, freethought in Germany had to start all over. Many central figures from Weimar times had emigrated or died, and in times of general deprivation and hardship, claims for the reimbursement of properties and other material resources were a lost cause. Nevertheless, some tradition-conscious members from Weimar times, many of them socialist and proletarian, rebuilt the old freethinker organisations and even regained the status of *Körperschaft des öffentlichen Rechts* for some of them, e.g. in Lower Saxony and Northrhine-Westfalia. However, they were unable to return to the societal impact and membership numbers that they enjoyed in Weimar times. Freethinker organisations suffered a harsh decline in membership between the 1960s and 1980s, and officials strived for reorientation.²⁰ In 1989, Klaus Sühl (*1951), then chairman of *Berliner Freidenkerverband*, proclaimed a new agenda for his organisation in the membership journal *diesseits*:

Sticking to their traditional agenda, freethinkers are their own worst enemy [. . .]. Either organised freethought makes a fresh start, daring to turn to the wider public with confidence, or it will fall apart. But a fresh start cannot be done with reference to old chestnuts. The renewal of the conditions of the Weimar Republic is neither imaginable nor desirable.

17 Schröder, *Freigeistige Organisationen*, 60–62.

18 Kaiser, *Arbeiterbewegung*; Jochen-Christoph Kaiser, “Sozialdemokratie und ‘praktische’ Religionskritik. Das Beispiel der Kirchengaustrittsbewegung 1878–1914,” *Archiv für Sozialgeschichte* 22 (1982): 263–298.

19 Kaiser, *Arbeiterbewegung*, 330–337; Michael Schmidt, “Verfolgung und Widerstand. Die sozialistische Freidenkerbewegung im Nationalsozialismus,” *humanismus aktuell* 11, no. 20 (2007): 55–66.

20 Manfred Isemeyer, “Freigeistige Bewegungen in der Bundesrepublik 1945 bis 1990. Ein Überblick,” *humanismus aktuell* 11, no. 20 (2007): 84–95.

We are all over and done with being an organisation of the labour movement. [. . .] We are the advocacy of the non-church-affiliated people in this country. It is time for us to recognise this and to act accordingly.²¹

This statement summarises the results of consultations among association officials and likeminded colleagues from Germany and abroad. In particular, the spokesmen of secular humanism in Europe at that time, like Levi Fragell²² from Norway or Rob Tielman²³ from the Netherlands, had a profound impact on the reform process of organised non-religion in Germany that was about to start. I call this process the “humanist turn”. Against the backdrop of an emerging pop, leisure and service culture, the Berlin freethinkers left behind their traditional self-understanding as a source of labour advocacy and turned to the life stance market and social service sector for the religiously non-affiliated. This agenda shift brought the association closer to free-religious congregations in other parts of Germany, who themselves suffered membership decline and searched for new partners to emancipate from the dust of nineteenth century free-religious traditions and re-define themselves. Furthermore, the Berlin Freethinker Association soon collaborated with emerging non-religious groups in the new Eastern states of Germany after German reunification in 1990, which engaged particularly in maintaining *Jugendweihe* practice and offered social and counselling services with financial support from the state.²⁴ In a

21 Translated by the author from the German original: “Mit dem Festhalten an seiner traditionellen Ausrichtung steht sich das Freidenkertum seit Jahrzehnten selbst im Weg [. . .]. Entweder das organisierte Freidenkertum macht einen Neuanfang, wagt es, in die breite Öffentlichkeit und damit in die Offensive zu gehen, oder es löst sich auf. Ein Neubeginn ist aber nicht mit den,ollen Kamellen‘ möglich. Die Wiederherstellung Weimarer Zustände ist weder denkbar noch erstrebenswert. Wir sind schon längst keine Organisation der Arbeiterbewegung mehr und auch keine reine Arbeiterorganisation [. . .]. Wir sind die Interessenvertretung der kirchlich nicht gebundenen Menschen in diesem Lande. Es wird Zeit, dass wir dies zur Kenntnis nehmen und eine entsprechende Politik machen” (Klaus Sühl, “Jugendweihe, Arbeiterbewegung und Freidenkertum. Abschied und Neubeginn,” *diesseits* 3, no. 7 [1989]: 33–35).

22 Levi Fragell, “Die Entwicklung und das Wachstum des Internationalen Humanismus,” *diesseits* 3, no. 5 (1989): 22–24.

23 Rob Tielmann, “Ein internationaler Humanismus ist erfolgreich. Interview,” *diesseits* 5, no. 16 (1991): 29–30.

24 *Jugendweihe* is a coming of age ritual with roots in late enlightenment traditions. It was constituted as a functional equivalent in ideological and aesthetic aversion of christian confirmations within free-religious and freethinker circles in nineteenth century and originally coincided with school graduation. In the German Democratic Republic, party-independent *Jugendweihen* were prohibited in 1950 for the sake of the sovereignty of the socialist unity party and its appeasement politics with the christian churches. However, increasing ideological tensions with the churches led to a strategy shift of the party which gradually installed the ritual in the whole country as quasi-mandatory part of their state socialism against the ‘reactionary influences’ of

spirit of optimism, HVD was established in 1993 by the abovementioned freethinker and free-religious associations from several federal states. It grew to become Germany's largest non-religious organisation in terms of membership with about 20,000 members today. At different points in time, five affiliate associations have gained the status of *Körperschaft des öffentlichen Rechts*.²⁵

The response to the secular humanist re-definition of organised non-religion in Germany among the newly defined target group was ambivalent. Whereas there was an obvious demand for non-religious social services, particularly in the new eastern states, the life stance agenda to constitute humanism as a congregational alternative to religious providers did not attract much attention. Most of the people who sent their children to humanist kindergartens or accessed humanist counselling or hospice services had no interest in joining HVD as members – and the association has never made this a condition. This has led to a situation in which far more people make use of humanist services than membership numbers indicate: over 70,000 children in Berlin and Brandenburg alone attend *Humanistische Lebenskunde* ('Humanist Life Skills'), a confessional humanist school subject, whereas membership numbers stagnate at around 20,000 in all Germany. The problem with this situation for the association is that providing social services is expensive and the amount recouped through annual membership fees is not even close to covering the cost of them. This is why – based on a self-understanding as *Weltanschauungsgemeinschaft* and with reference to the political principle of subsidiarity – HVD increasingly turned to the state for funding and reimbursement of costs for staff and other resources – with varying success. In particular, state governments with an involvement of the Christian Democratic Party and in regions with a christian majority population are far from interested in cooperating with 'atheists'. In Berlin, however, civic providers for the non-religious majority – around 70 percent of the population in Berlin is religiously non-affiliated – were desperately needed in the early 1990s. The Berlin HVD learned to respond to this need and perfected its role as partner of the state in social and educational issues over the years. Today, it operates as social

the youth by the churches. In the German Federal Republic, the term *Jugendweihe* was quickly associated with a communist state-festivity of the German Democratic Republic and came under pressure to demonstrate legitimacy. After German reunification, however, *Jugendweihen* provided by non-religious organisations have had a surprising renaissance, especially in the eastern parts of Germany. Up until today, they are considered a natural part of personal and family biographies for people with German Democratic Republic history. Today's *Jugendweihen* have shed their political ballast. See also Stefan Schröder, "Zwischen DDR-Erbe, Familienfest und Konfirmations-Äquivalent. Die politische Re-Definition der Jugendweihe in Deutschland am Beispiel der Jugendfeier des Humanistischen Verbandes Deutschlands," *Zeitschrift für Religion, Gesellschaft und Politik* 2 (2018): 61–80.

25 Schröder, *Freigeistige Organisationen*, 52–70.

agency for four hospices, a college of education, several counselling and welfare centres for youths and family. Furthermore, it runs around 30 preschools and holds responsibility for the abovementioned school subject *Humanistische Lebenskunde*. It employs 1,200 professionals, most of them preschool or *Humanistische Lebenskunde* teachers. Its annual budget amounts to more than €50 million, most of which is granted by the state government of Berlin.²⁶

By doing so, the state government incorporates HVD into political and legal arrangements originally designed for religious communities, particularly the main-line churches.²⁷ Looking at state government decisions in favour of and against funding the association, there is an obvious tendency for funding to be granted only if similar arrangements with churches and other religious groups exist.²⁸ To give just two examples: when, in 1999, HVD applied for the funding of its *Jugendweihe* practice in Berlin, the Senate denied it on the grounds that churches would not get funding for their confirmations either.²⁹ In addition, a proposal for establishing a humanist elementary school in Bavaria was only approved after the Bavarian branch HVD changed its rationale from a reform pedagogic to a confessional logic.³⁰ Within the association, this has led to processes of structural isomorphy,³¹ in which the organisation learned to argue like a religious association and adjusted its organisational structure and practice to be increasingly church-like. A HVD official told me in an interview: “We want the same status the churches have. This is our main strategic goal in Germany, an equal treatment in all areas and an all-encompassing service for religiously non-affiliated people in every condition of life, as it exists for the religious people”.³² With regard to the concept of ‘religion-

26 Schröder, *Freigeistige Organisationen*, 146–173.

27 The idea that organisational structures and collective identities of organisations are regulated by institutional forms of public incorporation systems is prominently suggested by Yasemin N. Soysal, *Limits of Citizenship. Migrants and Postnational Membership in Europe* (Chicago: University of Chicago Press, 1994).

28 Schröder, *Freigeistige Organisationen*, 215–222.

29 Norbert Kunz, “Auf hoher See und vor Gericht ist man in Gottes Hand,” *diesseits* 13, no. 48 (1999): 18–19.

30 Interview with *Humanistischer Verband Deutschlands* official, 14 June 2013.

31 The concept of ‘structural isomorphy’ refers to processes of adaptation to discursive and legal arrangements. See Mark C. Bodenstein, “Institutionalisierung des Islam zur Integration von Muslimen,” in *Die Rolle der Religion im Integrationsprozess. Die deutsche Islamdebatte*, edited by Bülent Ucar (Frankfurt am Main: Peter Lang, 2010), 349–364; Friederike Böllmann, *Organisation und Legitimation der Interessen von Religionsgemeinschaften in der Europäischen Politischen Öffentlichkeit. Eine Quantitativ-Qualitative Analyse von Europäisierung als Lernprozess in Religionsorganisationen* (Würzburg: Ergon, 2010).

32 Translated by the author from the German original: “Wir wollen den gleichen Status haben wie die Kirchen. Und das ist unser großes strategisches Ziel auch in Deutschland, die volle Gleich-

relatedness' coined by Quack,³³ this reasoning and practice can be described as religion-imitating. By contrast, the relevance of anti-religious criticism has become diminished in the official self-understanding of HVD, as this interview statement of another official shows: "I do not see a focus on criticism of religion in our agenda these days. We already have a widely secular society. The conditions have clearly changed compared to the situation 50 or 60 years ago".³⁴

Giordano Bruno Stiftung

Not everyone on the German non-religious scene approved of the humanist turn and the religion-imitating policy of HVD. When chairmen Michael Schmidt Salomon (*1967) and Herbert Steffen (1934–2022) founded *Giordano Bruno Stiftung* ('Giordano Bruno Foundation' – GBS) in 2004 – in the wake of the publications of the so-called 'new atheists' in the US – they clearly hit a nerve among those who regarded criticism of religion as crucial part and binding agenda of organised non-religion.³⁵ The foundation closed the ideological gap of freethought that organisations like *Berliner Freidenkerverband* left when they turned towards secular humanism. It has won several famous public and academic individuals over to its advisory committee and supports around 60 local and campus grassroots groups that have been established all over German-speaking Europe. Furthermore, it co-founded a very active publicist institution called *Humanistischer Pressedienst* ('Humanist media service'), as well as *Forschungsgruppe Weltanschauungen in Deutschland*, a research group specialising in investigations concerning secular worldviews and *Institut für Weltanschauungsrecht*, an institute for legal questions and the discrimination of the non-religious population.³⁶

behandlung und ein umfassendes Angebot für konfessionsfreie Menschen in allen Lebenslagen, so wie es das gibt für die religiösen Menschen" (interview with *Humanistischer Verband Deutschlands* official, 24 May 2013).

33 See Quack, *Outline*.

34 Translated by the author from the German original: "Aber ansonsten sehe ich Religionskritik eigentlich gar nicht mehr so stark im Fokus heutzutage, weil wir eben schon eine weitgehend säkulare Gesellschaft haben. Es hat sich ja doch deutlich verändert gegenüber der Lage von vor 50 oder 60 Jahren" (interview with *Humanistischer Verband Deutschlands* official, 22 April 2013).

35 Amarnath Amarasingam, ed., *Religion and the New Atheism. A Critical Appraisal* (Leiden: Brill, 2010); Stefan Schröder, "Organized New Atheism in Germany?," *Journal of Contemporary Religion* 32, no. 1 (2017): 33–49.

36 Schröder, *Freigeistige Organisationen*, 60–70.

The foundation has caused a media-effective public stir by initiating or supporting provocative campaigns, among them, the two German atheist bus campaigns. Similar to an initiative by British humanists and atheists around Richard Dawkins a few years earlier, in May and June 2009, a bus with the inscription “(Probably) there is no god. A fulfilled life does not need religious belief” toured through Germany,³⁷ providing information and promotional material for GBS and similar organisations.³⁸ In 2019, a second bus campaign with the slogan “State of the church? No, thank you!” was organised to inform about and stimulate public protest against what the foundation considers unconstitutional entanglements between the state and the Christian churches in Germany.³⁹ Following GBS officials, there should be no cooperation with or public funding of religious communities or *Weltanschauungsgemeinschaften* at all. Instead, they call for a secularist policy in the sense of a strict separation between religion and politics.⁴⁰

Another campaign waged by GBS is the “Evo-Kids” project. It was initiated to demand the inclusion of evolution in the curricula of primary schools in Germany and to find appropriate ways of teaching this subject for young children. The foundation hosted two open conferences in the city of Giessen, bringing together teachers, professors, students and politicians to discuss the issue and create public attention for it through broad media coverage. In spring 2014, an “Evo-Kids” website with background information and educational material went online.⁴¹ A pilot experiment was hosted in an elementary school in the city of Dusseldorf – again orchestrated in a suitable way to be covered by a wide range of media channels. In a public resolution that was passed at the second “Evo Kids” conference, it says:

Considering the fundamental importance of an understanding of evolution for the development of a modern worldview, it is disconcerting that children learn so little about this topic in primary schools – particularly in view of the fact that creation myths – which can be misconstrued without any knowledge on evolution – are part of school curricula. From a pedagogical viewpoint, there is no justification for that. Public schools should not influence their pupils one-sidedly in line with a specific religion or *Weltanschauung*, but should provide them with access to central scientific knowledge!⁴²

37 Translated by the author from the German original: “Es gibt (mit an Sicherheit grenzender Wahrscheinlichkeit) keinen Gott. Ein erfülltes Leben braucht keinen Glauben”.

38 Giordano Bruno Stiftung, *Tätigkeitsbericht 2009* (Mastershausen: Eigenverlag, 2010), 16.

39 Translated by the author from the German original: “Kirchenstaat? Nein danke!”

40 Giordano Bruno Stiftung, “Am Puls der Zeit. Interview mit der Juristin Jaqueline Neumann,” *Bruno. Das Jahresmagazin der Giordano Bruno Stiftung* (2019), 32–33, accessed 21 April 2023, <https://www.giordano-bruno-stiftung.de/bruno-jahresmagazin>.

41 “Das Evokids-Projekt”, accessed 20 April 2023, <https://evokids.de/>.

42 Translated by the author from the German original: “Angesichts der fundamentalen Bedeutung des Evolutionsverständnisses für die Entwicklung eines zeitgemäßen Weltbildes ist es befremdlich,

As these campaigns illustrate, GBS advocates strict secularism on a policy level. They see the cooperation between the state and religious communities as a violation of the separation of religion and politics that should be constitutional for a modern secular state. This is why they look at the strategy of HVD to strive for equal treatment with the mainline churches with scepticism and disconcertion. The problem for them is not that the humanist association provides social services for the non-religious (by contrast, they explicitly support this practice and stress its importance) but that the association accepts public funding and support from the state in order to do so. Indeed, whether intended or not, the church-oriented structural isomorphy of HVD and similar organisations contributes to a ratification and stabilisation of the German religio-political incorporation system. Foundation officials oppose public funding for religious communities and *Weltanschauungs-gemeinschaften* for using tax money of the unaffiliated for their purposes. Even more so, confessional instruction at public schools is a thorn in their side. They argue that it leads to a confessional division of society instead of making a contribution to integration. The existence of a secular humanist school subject did not make this situation better in any way – quite the contrary. A foundation official told me in an interview:

I think it is wrong to separate kids based on confession, even if there is a ‘humanist confession’, if you want to call it that. [. . .] [I think] that *Lebenskunde* could be replaced by another school subject like ethics for all pupils. [. . .] For me, the appropriate approach would be that education at schools is not influenced by worldviews, and this could be accomplished in an ethics school subject. *Humanistische Lebenskunde* would be simply redundant if there was an adequate ethics school subject. [. . .] This is why it would not be a great loss if *Lebenskunde* ceased to exist.⁴³

dass Kinder in der Grundschule so wenig über dieses Thema erfahren – zumal im Unterricht oftmals Schöpfungsmythen behandelt werden, die ohne Vorwissen zur Evolution leicht fehlgedeutet werden können. Pädagogisch ist dies nicht zu rechtfertigen. Schließlich sollen öffentliche Schulen ihre Schülerinnen und Schüler nicht einseitig im Sinne einer bestimmten Religion oder Weltanschauung beeinflussen, sondern ihnen Zugang zu den zentralen Erkenntnissen der Wissenschaft ermöglichen” (Das Evokids-Projekt, “Resolution ‘Evolutionsunterricht in der Grundschule’ [verabschiedet am 1.11.2015 in der Hermann-Hoffmann-Akademie Gießen],” accessed 20 April 2023, <https://evokids.de/content/resolution-evolution-grundschule#Resolutionstext>).

⁴³ Translated by the author from the German original: “Und trotzdem halte ich es für falsch, die Kinder zu trennen nach Konfessionen. Auch nach der humanistischen Konfession, wenn man das so nennen darf. [Ich denke], dass der Lebenskundeunterricht sich problemlos ersetzen ließe durch einen Ethikunterricht. [. . .] Der richtigere Ansatz wäre meines Erachtens, dass weltanschauliche, ungebundene weltanschauliche Bildung unbedingt nötig ist an Schulen, und zwar in Form eines Ethikunterrichts. Und damit wäre der Unterricht des HVD nicht mehr gültig. [. . .] Humanistische Lebenskunde wäre dann einfach redundant, wenn es einen guten Ethikunterricht

In the final analysis of such claims for secularism, their implementation would put an end to large segments of the practice of HVD. I consider this secularist policy not only different, but contrary to the equal treatment agenda of the humanist association and similar social service type non-religious organisations. Sparking off in contradictory notions of how the non-religious should relate to the state, the two policies create an either/or-dichotomy.

Conclusion

Historically, there have always been tensions and conflicts within organised non-religion in Germany over questions of worldview, practice and religion-relatedness. Whereas these differences, for example, between a pluralist and a critical stance on religion or between a life stance- or activism-based practice and form of organisation can be traced back to the nineteenth century, the question of whether or not non-religious organisations should turn to state support and be incorporated into political and legal arrangements originally designed for religious communities, is a relatively new issue of debate. In the nineteenth and early twentieth century, the political and legal context did not provide for such an incorporation into religion-related arrangements. Accordingly, the policy of non-religious organisations was more or less uniformly secularist and aimed for a separation of church and state. This began to change in the Weimar Republic and especially after World War Two. New plurality-based legal and political arrangements emerged, among them the legal concept of *Weltanschauungsgemeinschaft* and the political principle of subsidiarity, and some non-religious organisations adapted an equal treatment policy. Related claims revoked the political project of secularism as common denominator of organised non-religion. The re-configuration of the political and legal arrangements in Germany encroached upon the non-religious community in Germany and created a deep division within it.

The continuous fragmentation of organised non-religion in Germany mentioned in the introduction can only be understood in the light of this re-configuration. After years of frustration by failed attempts to unite different non-religious groups within the *Koordinierungsrat Säkularer Organisationen* ('Coordinating Council of Secular Organisations'), the withdrawal of HVD seems to have released the council from obstructing policies and quarrels, allowing it to set a straightforward agenda in a secularist direction. The name of the organisation was changed to *Zentralrat der Kon-*

gäbe. [. . .] Deswegen wäre es auch nicht schlimm, wenn er nicht mehr da wäre" (interview with *Giordano Bruno Stiftung* official, 30 September 2014).

fessionsfreien ('Central Committee of the Non-affiliated' – KORSO), a paid spokesman was added to the executive board and the self-understanding of being a secularist lobby organisation was explicitly emphasised in a publicity-effective launch of the *Zentralrat* in spring 2022 – a self-understanding that HVD, in the years of its membership in KORSO, would always block.⁴⁴ On the website of the *Zentralrat* it reads:

We are [. . .] financially independent. We do not want public funding, but the recognition of civil rights. This is why we accompany Germany's progress to become a consequently secular state [. . .]. Numerous privileges and billions of tax money for organised beliefs are neither constitutional nor timely [. . .]. The implementation of the secular values of our constitution is part of the project to complete enlightenment.⁴⁵

At the other end of the policy spectrum, the Bavarian branch of HVD changed its name to *Humanistische Vereinigung* ('Humanist federation' – HV) and left the national umbrella because for them, the association's policy was still too close to secularist positions.⁴⁶ Now it pursues a radical equal treatment policy, including claims for a nationwide establishment of humanist private schools and a confessional humanist school subject, as well as the application of the ecclesiastical employment law in Germany to some of its staff – all of these practices being based on religion-related legal arrangements that the *Zentralrat der Konfessionsfreien* would like to abolish altogether. In an interview with me, an organisation official of HV described the withdrawal from HVD as a "relief" from unwelcome compromises.⁴⁷

This division of political projects and organisational ideal types is not (only) a fight about trivial matters, like finding the right name for an organisation. It is the result of controversies on essential questions of organisational policy that are deeply interwoven with different strategies of how to relate the non-religious to the state.

44 Zentralrat der Konfessionsfreien, "Pressekonferenz. Zentralrat der Konfessionsfreien e.V.," accessed 21 April 2023, https://www.youtube.com/watch?v=ds1WPUSL_ac.

45 Translated by the author from the German original: "Wir sind [. . .] finanziell unabhängig. Wir wollen keine Fördergelder, sondern die Beachtung der Grundrechte. Deshalb begleiten wir Deutschlands Weiterentwicklung zu einem konsequent säkularen Staat. [. . .] Zahlreiche Sonderrechte und jährliche Steuermilliarden für den organisierten Glauben sind weder verfassungsnach zeitgemäß. Die Umsetzung der säkularen Werte der Verfassung ist Teil des 'unvollendeten Projekts der Aufklärung'" (Zentralrat der Konfessionsfreien, "Unsere politische Agenda", accessed 21 April 2023, <https://konfessionsfrei.de/saekulare-ampel/>).

46 von Chossy, *Zeit für Veränderung*.

47 Translated by the author from the German original: "Befreiung," interview with *Humanistische Vereinigung* official, 19 July 2021.

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