

SHOULD RELIGION BE USED IN POLITICS? A THEORETICAL DISCUSSION

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ABSTRACT

The debate on the separation of church and state continues to this day. The argument settles between two separate models: accommodationist versus separatist. The following research defines these two approaches and distinguishes which approach is more applicable. Additionally, models of the separation of church and state are defined and analyzed. Based upon the theoretical discussion, the research finds the separatist arguments more philosophically sound. Therefore, a normative model of the most convincing separatist will be defined in this research paper.

TABLE OF CONTENTS

INTRODUCTION	1
CHAPTER 1: MODELS OF SEPARATION OF CHURCH AND STATE.....	4
1.1 Contemporary Separation	4
1.2 Distinct Models	6
1.2.1 Discussing the Various Models	8
1.3 The Institutional Separation State Doctrine.....	15
1.3.1 The Libertarian Principle	16
1.3.2 The Equalitarian Principle.....	16
1.3.3 The Principle of Neutrality.....	18
1.4 Conclusion on the Models of State-Church Relations.....	20
CHAPTER 2: A PHILOSOPHICAL DISCUSSION ON THE MODELS.....	22
2.1 A Secular Model: Comprehensive and Political Doctrines, Rawls.....	23
2.2 The Liberal Ideal of Democracy	26
2.2.1 Public reason	29
2.3 Criticisms on the Liberal, Secular State Model.....	40
2.4 Inequality in Accommodation: Further Problems: Accommodation.....	43
CONCLUSION.....	49
REFERENCE LIST	52

INTRODUCTION

The discussion on the separation of church and state has been an ongoing, open-ended debate that has been sparked throughout history. After the American Revolution, the framers of the constitution stood by Thomas Jefferson's idea about the "wall of separation between church and state" by establishing the First Amendment: "Make no law respecting an establishment of religion, or prohibiting the free exercise thereof."¹ From the previous affairs of the Anglican Church and priests, the Framers were suspicious of any institutional arrangement similar to that of the one in England that celebrated and gave credence to the Anglican Church. Many such cases could be seen throughout the centuries, but the American case shows the original idea of separatism and its aim – having complete separation from the Church as center of dangerous Anglican influence against which they were fighting for independence from them and its manipulation of peoples in the name of God. For the Framers of the U.S. Constitution, as well as other separatist movements, the use of peoples' sentiments and vulnerability due to religiosity should be separated from the public realm of government.

And so the discussion on separatism continues. As Foucault states, "Religion is a political force... it is a superb instrument of power for itself".² This power that always was continues to be used not only from religious authorities, but politicians as well. In a society that has religious roots, it is popular to invoke religious sentiment when dealing with state policies. Politicians use these religious sentiments as a way of mobilizing support and remaining popular. Thus, interplay exists with religious institutions and the political elite – politicians use religion while the church

¹ *U.S. Constitution: First Amendment*

² Foucault, Michel. Religion and Culture. Routledge, 1999. p.107.

preaches it and gains institutional privileges. These two institutions of authority - secular government and Church (religion based institution) regularly rely on reciprocal support for maintaining influence and control, and thus, are dependent upon each other. At the same time, though, they both seem to be getting something out of this cooperation - they still try to gain more influence than the other. Having a dominance of power is second on their list of rational decisions – the first is to continue to have coexistence because without two pillars, their power poses a significant risk of collapse. So, it is not strange that still “an unprecedented number of people are injecting religion into politics.”³ The question remains: how do we deal with this? Should religion be used into politics?

The aim of this research is to debate the idea of separatism and accomodationism and see what model is best fitting for the separation of church and state. In order to do so, I will go through the arguments posed by both sides. In first chapter, I will define and analyze different models of the separation of church and state. With a critical analysis, I will find the best normative model of separation between church and state. In the second chapter, I will have a theoretical discussion on separatism and accomodationism. By invoking the liberal ideal of democracy, I will follow more of a separationist foundation. Furthermore, I will see how church and state relations exist today. Based upon the theoretical discussion and the current models applicable to several societies, I will argue in favor of separatism. Analyzing the different models and classifications of state-church relationship, the research will adopt the position that separation between church and state is indispensable for liberal democracy. The thesis aims to discuss the degree and forms institutional and functional separation between church and state

³ Audi, Robert. “The Separation of Church and the Obligation of Citizenship.” *Philosophy and Public Affairs*, Vol. 18, No. 3, 1989. p. 259.

shall take. I will use several examples throughout the research, including France, Georgia and the United States, in order to highlight how religion is being used through these various models. I will then argue that if societies did invoke the separatist argument, then these problems would not exist today. Before I continue with the research, it is pertinent to first address why these specific examples are being used in this paper. To begin with, France seems to be the best fitting state that can demonstrate a real-world example of the tolerant separation state. To show how a former separation state is now moving into the area of accommodationism, the example of the United States will be highlighted. Finally, an example of a state that claims it is secular but has a de facto state religion for one specific church that is granted special rights. These three examples will best highlight the advantages and disadvantages with the three distinct models. I will now begin the research a discussion on current models of the separation of church and state.

CHAPTER 1: MODELS OF SEPARATION OF CHURCH AND STATE

1.1 Contemporary Separation

In this chapter, I will begin the discussion of the separation of church and state by giving a brief outline of some current models of separation of church and state. In addition, there will be a critical analysis of these models in order to find the best-fitting model that will be further discussed in the next chapter. The discussion will now entail current models in the real world and see how they deal with issues regarding church and state relations.

The contemporary world seems to be aiming at strict separation of church and state. There are many different models and ways that regulate church and state relations. Some of them call for more strict separation - some less. But in the end, it shows that privileges for religious based institutions are something that have been done away with and are “disenchanted”. That is to say, religion and metaphysics, “Lies at the end of the road we liberal intellectuals have been travelling since the Enlightenment.”⁴ However, on the other hand, more and more people have started to talk about the salience of religion in contemporary politics. Some of them think that “the religious fundamentalism is among the most potent political forces of the contemporary world.”⁵ Furthermore, the discussion on this issue is not just about salience - it is about the easy and readily accessible ways that a state could go from being secular to religiously fundamental, as proved by Iran’s transformation from the liberal state to an Ayatollah-run, religious-fundamentalist regime. Additionally, recent developments in Georgia shows the political

⁴ Weithman, Paul J. (Ed), “Introduction: Religion and the Liberalism of Reasoned Respect,” Religion and Contemporary Liberalism, (University of Notre Dame Press, 1997), 3-4.

⁵ Ibid., p. 1.

trajectory of the state moving from a secular state to a growing theocracy in which the Orthodox church can be seen as a fundamental aspect of governance. This transformation gives reason to worry for individuals in countries where the majority believes in one religion while other religious minorities do not. How is it possible to stop this growing power of the Church as an institution in a secular society when it takes dangerous form for minorities and nonbelievers? One of the ways to avert the threat religion posed to stability was to relegate practice to a private sphere of thought and conduct.⁶ By privatizing and regulating religious practice, religion is kept in the private realm as opposite to the public realm, where accommodation is detrimental to equal rights in these religious societies.

Liberal intellectuals are on one side, while politicians and religious authorities are on the other – these authorities have been cooperating with one another for centuries. As clergymen continue to give blessing for secular decisions from above, politicians provide material welfare in exchange for this type of support. Up to now, the cooperation has been ongoing and this model of institutional behavior is present everywhere. As Robert Audi states, “An unprecedented number of people are injecting religion into politics”⁷ - even in the world oldest democratic state. “The United States Supreme Court may soon be reinterpreting constitutional constraints on the relation between religion and public life.”⁸ This seems to be alarming for such a secular state as the United States to be reinterpreting constraints on an issue that has been legally binding in the past.

⁶ Ibid., p. 1.

⁷ Audi, Robert. “The Separation of Church and the Obligation of Citizenship,” *Philosophy and Public Affairs*, Vol.18, No. 3. 1989. p. 259.

⁸ Ibid., p. 259.

It is of utmost importance that, once again, the crucial question set forth by Ronald Dworkin is brought to the forefront of the debate: “What do we do with a nation in which a large majority believes in a god? Which model should such a state have?”⁹ Audi’s answer will sound as follows: “In a free and democratic society the state should neither establish a church nor impair religious liberty”.¹⁰ Although this notion of non-establishment seems to be logical, in reality, the practice is hard to come across. It is easier for a state to be undemocratic and paternalistic, then to achieve meeting conflicting interests of all members of the community. Audi understands this when he writes, “The state should not interfere with the church and the church should not interfere with the state. The separation doctrine is also intended to apply to the state in relation to religious individuals who are not affiliated with any church.”¹¹ Audi’s separation doctrine can be seen in two different levels: the first track of the traditional separation doctrine is addressed to governmental institutions, while the second “is to ascertain what restrictions on individual conduct should, in a free and democratic society, accompany a commitment to separation of church and state.”¹² In order to discuss this doctrine, it is first necessary to define some current models of church-state relations. The next section will highlight some of these different models and give specific examples of states that fall under these different categories.

1.2 Distinct Models

⁹ Dworkin, Ronald. *Is Democracy Possible Here? Principles For a New Political Debate*, Princeton: Princeton University Press, 2006. p. 67.

¹⁰ Audi, Robert. “The Separation of Church and the Obligation of Citizenship,” *Philosophy and Public Affairs*, Vol.18. No. 3. 1989. p. 260.

¹¹ *Ibid.*, p. 261.

¹² *Ibid.*, p. 259.

Philosophers have long debated how the issue of separation of church and state should be addressed. For Dworkin, there are only two models of how the separation church and state can be organized. He distinguishes between “tolerant religious nation” and “tolerant secular nation”: “The two models reflect contrary principles of political morality.”¹³ A “tolerant religions nation” is one that has an official religion but in principle offers religious freedom to all faiths.¹⁴ In contrast, a “tolerant secular nation” is one where the nation seems to have a love for tradition and ceremony rather than “any genuine shared national religious commitment” and it “would be astounding – and politically fatal – for a prime minister to claim religious authority for state policy.”¹⁵ For Stephen V. Monsma and J. Christopher Soper, there are three differing models. Reviewing their book, “The Challenge of Pluralism: Church and State in Five Democracies”, Reid Locklin states:

The Study of five modern Western democracies, Monsma and Soper suggest that there exist three basic models of church-state relations: the strict church-state separation model, an established church model, and a pluralist or structured pluralist model. (Monsma & Soper 10-12) Arguably, both the first and the third of these models emerged in reaction against the second, particularly in Europe.¹⁶

However, even in between these three major models of state-church relations there are number of variations. Here, it is necessary to analyze these models more thoroughly by showing these variations. For the purposes of the present discussion, I will also discuss the framework of allocation state-church relations models along the continuum offered by Cole Durham and

¹³ Dworkin, Ronald. Is Democracy Possible Here? Principles For a New Political Debate. Princeton: Princeton University Press, 2006. p. 57.

¹⁴ One such example would be Israel.

¹⁵ Ibid., p. 57.

¹⁶ Reid B. Lockland. The Many Windows of the Wall. J.L. and Religion. 2010. p. 545.

Robert Smith.¹⁷ As Jason Waite describes the framework, “Durham depicts a range of church-state arrangements: absolute theocracies, established churches, endorsed churches, cooperationist regimes, accommodation regimes, separations (with differing degrees of sensitivity to religion), hostility, and overt persecution.”¹⁸ A brief discussion of each of these models will be addressed in this section.

1.2.1 Discussing the Various Models

In this section, each model will be addressed, but it will be categorized under two different headings: models that are compatible with liberalism, and models that are not compatible with liberalism. This is due, in large part, to the analysis that will be undertaken at the end of the chapter on what model is best fitting for the separation of church and state.

1.2.1.1 Models not compatible with liberalism

We will start the discussion with models that are not compatible with liberalism. They are as follows:

1) An *absolute theocracy* is stereotypically associated with Islamic fundamentalism. This is the regime where the government claims to be directed immediately by God, and that it favors one and only religion. Some argue that this religion is intolerant to everything else. The states’ law is its religious doctrine. One such example is Iran.¹⁹ Essentially, this is incompatible with

¹⁷ Durham W. Cole; Smith Robert, Church-State Relations: Accommodations Versus Separation; Religious Organizations and the Law; Database updated January 2011:

¹⁸ Waite, Jason. Religious Human Rights in Global Perspective: Legal Perspective, Book Note, B.Y.U.L. Rev, 1998, pp. 691.

¹⁹ W. Cole Durham and Robert Smith, *supra* note 9.

liberalism because it does not give the opportunity for all to practice a freedom of religion. The only way that one could practice religion freely would be if he or her were followed Islam.

2) The *model of established churches* is not very clear and can cover a wide range of possible church-state configurations with very different implications for the religious freedom of minority groups. In that sense, they must be further sub-divided into different sub-categories.

2.1) At one extreme, a regime with an established church that is granted a strictly enforced monopoly in religious affairs is closely related to one with theocratic rule. Spain or Italy at some periods can be referred to as classical examples. Spain, at the time of the Franco regime, is a particularly good example; as well the Roman Catholic Church in Spain presented one of the major pillars of the Fascist rule in Spain together with the military dictatorship.

2.2) Countries that have an established religion that tolerate a restricted set of divergent beliefs hold the next position. An Islamic country that tolerates “people of the Book” (but not others) would be one example; a country with an established Christian church that tolerates a number of major faiths, but disparages others, would be another. Both of these models that are categorized under established churches seem to be incompatible with liberalism because they still give preferential treatment to those who follow a particular faith.

2.3) An *endorsed churches* is one in which a particular church is not officially declared to be church of the nation, but acknowledges that one particular church or religion has a special place in the country. Sometimes, the endorsement is relatively innocuous and remains strictly limited to recognition that a particular religious tradition has played an important role in a

country's history and culture.²⁰ However, the status of an endorsed church can entail more significant and practical implications for the state as well as the endorsed church in certain cases. One such example of this model exists in Georgia. Article 9 of the Constitution of Georgia²¹ states, “The state shall declare complete freedom of belief and religion, as well as shall recognize the special role of the Apostle Autocephalous Orthodox Church of Georgia in the history of Georgia...” The present constitutional provision recognizing the special historical role of the Christian Orthodox Church has served in Georgia as normative ground to assess Georgian Orthodox Church as the “endorsed church”. This model of the separation of church and state is viewed as the next step and more secular than the model of “established churches”. However, whether this model will truly ensure better protection of different non-endorsed churches in the country is greatly contingent on the facts of each case.²² The second clause of the same constitutional provision guarantees independence of church from the state.

3) *Cooperationist regimes* do not grant special status to dominant churches or religions, but still continue to cooperate closely with them through a variety of ways. A cooperationist state may provide funding for various church-related activities, such as religious education, payment of clergy, and so forth. Sometimes, such regime relations with the churches are managed through special agreements and concordats. This type of cooperation may take the form of helping by the state with the gathering of contributions. This regime differs from an endorsed church regime by not specifically endorsing any one religion. So, it treats all different religions equally, but since different religions have different needs, cooperation raises more complex interdenominational problems of equal treatment. Germany provides the prototypical example of this type of regime;

²⁰ ²⁰ Durham W. Cole; Smith Robert Religious Organizations and the Law Database updated January 2011, pp.5

²¹ *The Constitution of Georgia*

²² Constitutional Guarantees of Autonomy of Georgian Orthodox Church

this country even collects a so-called “church tax”. However, Germany is not alone in this category - Spain, Italy, and Poland, as well as several Latin American countries, follow this pattern.²³ Although this model does try to treat all religions equally, it is too difficult to come to the same levels of equality and justice in a state. For this reason, it seems to be inconsistent with liberal principles.

3.2) The model of *hostility and overt persecution* can be revealed through observation of how small religious groups are treated, in the opinion of Smith and Durham, as “government officials seldom persecute larger religious groups.” However, in the case of hostility towards religious in communist countries, all the religious denominations, large and small, underwent destruction and persecution of clergy. The gravest form of persecution is imprisonment of followers of religion, though it can also take form of refusal to grant legal status to religious organization or recognition of their property rights.

In this sub-section, it is clearly shown that the previous models were, in fact, incompatible with liberalism. The main reason this happens is due to the fact that people are not necessarily given the opportunity to come to his or her own conception of the good through debate and consensus. Rather, there seems to be one established religion, or, at the very least, a religion the majority follows, that does not comply with liberal principles.

1.2.1.2 Models that are compatible with liberalism

Since there was just an exploration done with the models that are incompatible with liberalism, it is now necessary to try and distinguish models that are compatible with liberalism.

²³ Durham W. Cole; Smith Robert Religious Organizations and the Law
Database updated January 2011, p.5

They will be outlined in this section, beginning with a type of established church not mentioned in the previous section.

1) Interestingly, there could be examples of countries that have an *established church model*, yet they still apply liberal principles in that state. It is possible for a country to maintain an established church, yet guarantee equal treatment for all other religious beliefs at the same time. Great Britain would be a fitting example.²⁴ The Church of England is the established state religion of England (though not Northern Ireland, Scotland or Wales). Representatives of the church hold seats in the House of Lords as the “Lords Spiritual”. Traditionally, they do not vote, though theoretically, there is possibility of direct church involvement in the legislative decision-making of the entire United Kingdom. Parliament is opened with prayers: in the House of Lords, the process is led by one of the Lords Spiritual and in the Commons by the Speaker's chaplain.²⁵

2) *Accommodationist regimes* sometimes insist on the separation of church and state and still retain benevolent neutrality toward religion. “Accommodations might be thought of as cooperationism without the provision of any direct financial subsidies to religion or religious education. An accommodationist regime would have no qualms about recognizing the importance of religion as part of national or local culture, accommodating religious symbols in governmental settings, allowing tax, dietary, holiday, Sabbath, and other kinds of exemptions, and so forth.”²⁶ Durham asserts that along with the expanded functions and pervasive regulation led by the state, if the religion clauses of the US Constitution are not interpreted in a more “accommodationist” way, “refusal to exempt or accommodate shades into hostility.”

²⁴ Durham W. Cole; Smith Robert Religious Organizations and the Law Database updated January 2011, p.4

²⁵ <http://www.parliament.uk/documents/commons-information-office/g07.pdf>

²⁶ Durham W. Cole; Smith Robert Religious Organizations and the Law Database updated January 2011, p. 5.

3) *Separationist Regime* is a much more rigid regime than others mentioned above. It insists on rigid separation of state and church. For example, displaying religious symbols in government, or associated spaces, is not allowed. Suggestion of governmental support for religion is deemed inappropriate. “Even indirect subsidies to religion through tax deductions or tax exemptions are either suspect or proscribed.”²⁷ No religiously based exemption from general public law is allowed. Otherwise, these exemptions will be viewed as favoritism for religion. Religious teaching is not allowed as well. However, the state does not interfere with home schooling, as the implications of the separationist regime covers only the public sphere. As for private sphere, everyone is free to exercise their religion except insofar as they do not violate the constitution or laws of the country, such as practicing their faith though plural marriages or sacrificing animals or people.

The most famous example of this regime is France with its strict church-state separation model. The concept of separation of church and state in France is called *laïcité*. The 1905 Law of separation between Churches reads as follows:

Article 1. The Republic ensures freedom of conscience. It guarantees the free exercise of religions.

Article 2. It neither recognizes nor subsidizes any religion.²⁸

Laïcité was deduced from the principle of equality and because of its explicit normative foundation and clarity; details on this principle will now be further discussed. *Laïcité*, or secular society, relies on the division between private and public spheres. This model guarantees that

²⁷ Ibid., p. 6.

²⁸ Laborde, Cecile. “Secular Philosophy and Muslim Headscarves in Schools”, *The Journal of Political Philosophy*, Vol. 13, No. 3, 2005. p. 308.

believers of adherents of a religion are equal to the beliefs of all the other citizens who are devoid of ethnic, religious or other particularities: “The implication of the French doctrine of separation of church and state [is] showing that it embodies liberal ideals of equality and neutrality.”²⁹

However, the problem of *laicite* is that sometimes freedom of religion, equality between citizens, and state neutrality become conflicting principles. And some citizens ask and need special rights to reach equal accommodation and equally free exercise of religion. For example, Muslims do not have any historical mosques. This is different from Christian churches, such as the Catholic Church, which has received free buildings from the state. In this situation, the state provides financial aid to support the exercise of religious freedom.³⁰ But it seems as if the point here is just an equalization of the opportunity to exercise their religion. The fact that the state is subsidizing the Catholic Church does not diminish Muslims’ opportunity to exercise their religion. However, the problem with these special measures for certain religious groups in a particular situation is the risk of subjectivity and arbitrariness in evaluation of whether cases merit special treatment or is typical and not entitled to the special guarantees of protection. Under the U.S. Constitution, “the protection of the ‘free exercise’ clause” sometimes requires relaxing the ‘establishment’ clause, by compelling the state to step in positively to guarantee that adequate protection is available for the exercise of (notably minority) religious rights. French official republicans generally opine that non-establishment and state abstention are in themselves sufficient guarantees of the free exercise of religious freedoms.”³¹

²⁹ Ibid., p. 307.

³⁰ Ibid., p. 309.

³¹ Ibid., p. 309.

3.1) Within the separationist regime category, the *model of inadvertent insensitivity* is overlapping with forms of separationist and depicts regulatory activity by the different official bodies that cannot envisage the implications of the regulation on conducting certain religious practices. The problem could be solved through reasonable accommodation of religious needs, though state bodies were unaware of the needs. Hence, there is insensitivity without any “anti-religious animus”. However, from the moment “those afflicted by the unintended burden bring the problem to the attention of government officials. At this point, a reasonable accommodation can be worked out, or inadvertent insensitivity shades into conscious persecution.”³²

It could be concluded that these previous models listed and discussed in this sub-section does, in fact, follow liberal principles. One of the major reasons is the fact that there seems to be an overlapping consensus that is an essential aspect of Rawls’ conception of liberalism. For this reason, it can clearly be shown that these models seem to have specific advantages over the models that are inconsistent with liberal principles, and, thus, not compatible with liberalism. In what way could these models be changed in order to fulfill more liberal principles, and thus, have a clear separation of church and state? In the next section, I will highlight the institutional separation state doctrine in order to show how this could be possible.

1.3 The Institutional Separation State Doctrine

This seems to be the most logical place to begin the discussion of the separation of church and state doctrine. Robert Audi claims there can be three basic strands in the institutional

³² Ibid., p. 309.

separation doctrine. The following three principles that should be the basis of the separation of church and state relations are the libertarian principle, equalitarian principle and ,at last, the principle of neutrality.

1.3.1 The Libertarian Principle

Starting with the libertarian principle, one could see that if the state and church were separate, then it would imply that the state permits the practice of any religion, within certain limits. The freedom of religion it guarantees is limited by certain basic human rights, such as the rights of life, liberty and the pursuit of happiness. Let us see how this point could be illustrated with particular religious examples. While religion could be practiced freely, the following acts could be restricted: polygamy, the sacrifice of human beings, and, in some countries, the sacrifice of animals. It takes an explanation of how the prohibition of polygamy is necessary to protect any of the mentioned rights. At the core, this prohibition seems to be against the right of life, liberty and even against pursuing happiness, at least for men. Generally, only men have right to polygamy. Thus, we can qualify polygamy to be degrading to a woman's dignity. Due to this, there should be a limitation due to the fact that the interest and defense of women's rights vastly outweighs that of practicing religious liberty.³³

1.3.2 The Equalitarian Principle

Now, it is necessary to discuss the second aspect of the institutional separation doctrine: the equalitarian principle. This principle means that the "State may not give preference to one religion over another". It not only rules out an established church – the existence of which might

³³ Audi, Robert. "The Separation of Church and State and the Obligation of Citizenship," *Philosophy and Public Affairs*, No. 3, Issue 18, 1989. p. 263.

be plausibly argued to be consistent with the libertarian principle - but the principle also precludes such things as requiring a certain religious affiliation as a condition for public office. As Audi writes, “A state can allow virtually unlimited religious freedom and still treat some religious preferentially.”³⁴ One such example of this principle would be the exemption of religious holidays. Religious holidays seem to stem from some religion, thus respecting this particular religion more than others. To neutralize the negative effect of this preferential treatment, some states grant labor rights to employees to decide which religious holidays they would like to celebrate, instead of officially recognized religious national holidays.³⁵ With respect to religious feasts proclaimed as national holidays, Georgia’s example can be illustrative. In Georgia, a state that is considered to be a constitutional democracy and is purportedly secular, it has 12 official holidays in name of the Christian Orthodox Saints. Georgia’s case seems to present an excessive amount of preferential treatment examples for religious holidays. To compare it to another country that is predominantly religious would underscore the degree of entanglement of religious and state institutions in the example better. Egypt is a country with Islam as its state religion and listed as number one among the most religious countries in the Gallup poll taken in 2008. According to the poll, 100% of the respondents claimed that “Religion is an important aspect of life.”³⁶ What is interesting in this case is that in Egypt there are only five religious holidays proclaimed as public holidays and out of this five some are Christian and some – Muslim. In stark contrast, 12 public holidays in Georgia are affiliated exclusively with the Orthodox Church – there is not even one public holiday to celebrate the cause of another religious group. “One relevant consideration is whether other religious holidays are respected,

³⁴ Ibid., p. 263

³⁵ Ibid., p. 263.

³⁶ Crabtree, Steve and Pelham, Brett. “What Alabamians and Iranians Have in Common.” Gallup Poll. February 9 2009. <http://www.gallup.com/poll/114211/Alabamians-Iranians-Common.aspx>.

for instance by employees' having leave to observe them; another is whether the Christian feast days are observed as national holidays because a great majority of the people want them to be, and not because a majority religion does." Here is the question what is the difference between the "majority religion" and democratically represented majority who decides which day or religion should be treated specially? I think the difference is only nominal – the second option sounds more democratic. However, the difference is not practical. We see that Georgia claims to be a secular state but rather than of declaring Christian Orthodox as the state Religion, the state regulates the relationship between church and state through the Constitutional Agreement with Apostolic Autocephalous Orthodox Church of Georgia (referred to as "Georgian Orthodox Church").

1.3.3 The Principle of Neutrality

To continue on with the discussion of the institutional separation doctrine, it is pertinent to now discuss the third principle of the doctrine – the principle of neutrality. This principle stipulates that the "state should give no preferences to religion as such, that is to institutions or persons simply because they are religious. One could of course derive this requirement from equalitarian principle provided one construed being nonreligious as having a religious stance and thereby deserving equal treatment with the various other religious positions. But surely someone might be nonreligious through mere indifference or through ignorance of the alternatives, and hence not have any stance on the matter."³⁷ As was discussed earlier, this point could also be illustrated by using the Georgian example. The reality in Georgia shows how state officials' continuously, and officially, demonstrate their preference towards Orthodox Christians. A police

³⁷ Audi, Robert. "The Separation of Church and State and the Obligation of Citizenship," *Philosophy and Public Affairs*, No. 3, Issue 18, 1989. p. 264.

investigator that was looking into a crime asked the suspect if she had a priest during interrogation and after getting the answer declared she would not get involved in car accident if she had been a better observing Christian.

Prejudices are of human nature, and this seems to be so with religion as well. If one is doing business with someone that also believes in the same faith, it is simple to see the connection. Yet if religious convictions diverge, then there could arise a bit of prejudice about that individual. One does not have the same amount of faith in this individual as opposed to those who follow their same religion. This could be seen in economic transactions between two individuals in a society that is predominantly religious, yet one of the men is an atheist. Clearly, the believer does not have the same amount of faith in a person that is an atheist. Max Weber could best illustrate this point with the following introductory passage:

On a long railroad journey through what was then Indian Territory, the author, sitting next to a travelling salesman of “undertaker’s hardware”...casually mentioned the still impressively strong church mindedness. There upon the salesman remarked, “Sir, for my part everybody may believe or may not believe as he pleases; but if I was a farmer or a businessman not belonging to any church at all, I wouldn’t trust him with fifty cents. Why pay me, if he doesn’t believe in anything?”³⁸

At this point, it could be argued that if people have distrust with one another in their private businesses, it isn’t the role of the state to intervene. However, the democratic state is or shall be, an aggregate of individual interests. So, in this sense, the leaders or politicians are just simple-minded folk who come to power and are granted that power through the delegation of power

³⁸ Weber, Max. “The Protestant Sects and the Spirit of Capitalism,” in From Max Weber: Essays in Sociology. Oxford: Oxford University Press, 1946.

from constituents. The democratic method of forming government implies that candidates for state positions would try to offer an image that constituents would self-identify and sympathize with. For this reason, it could be argued that these public officials need to present themselves as believers in some faith; otherwise, individuals would be less inclined to vote them into office. Elections in a democracy can be considered as a point where private life and patterns of private decision-making mix in with public life. Therefore, a conclusion of the above example, if valid for private life, will also hold for public life to a significant extent.

Within this section, it was possible to see how the institutional separation state doctrine, with its three principles, is one way in the right direction that could aid in the process of conceptualizing a good model of the separation of church and state. In the next section of this chapter, I will now apply these three principles as a way to judge the advantages of the previously defined models.

1.4 Conclusion on the Models of State-Church Relations

There is significant claim behind the framework of the analysis of the separation of church and state models offered by Durham and Smith. The claim is that between secular states and non-secular states, there exists a wide range of variations inclining more in one or another direction. These models offer different levels of entanglement of state and religious institutions, and different levels of freedom of religion and different levels of guaranteeing equality in dealing with religious minorities.

What is particularly important for the purposes of the present thesis is the finding that whatever the name of the model may be, it is not determinative of the degree of freedom of

religion and equality individuals and religious organizations enjoy in a specific country. This claim can be illustrated through the comparison of the United Kingdom and Greece or Georgia. The United Kingdom enshrines the established church model with the state religion, which is closer to the non-secular end of state-church relationship continuum. On the other hand, Georgia and Greece have endorsed churches – Christian Orthodox Church is not the state religion, but it does have exclusive privileges due to its historical role and strong support of the majority in the country. Comparing the situations in the UK and Greece or Georgia, it is clear that guarantees of liberty and equality are not the same. The implications of having an established church are basically nominal in the UK, whereas in Greece and Georgia, having the status of endorsed church amounts to the whole range of privileges and preferential treatment of course at the detriment of values of equality.

Discussing the role of religion in the liberal state, a guide for discourse will better the fundamental principles set forth by Audi, that provide standards to assess the costs and benefits of state-church relationship in a particular situation of a particular country. At the same time, if we debate the issue philosophically, the discourse could be seen oscillating between strict separation and accommodation. For this reason, it is necessary to try and debate further the issue philosophically in order to apply a theoretical framework that would be plausible after seeing what models do and do not work. We would then be able to see whether this research will facilitate itself more directly to the approach of separatism or accommodationism. In the next chapter, we will begin the philosophical debate in order to come to a conception of what is the proper model for the separation of church and state.

CHAPTER 2: A PHILOSOPHICAL DISCUSSION ON THE MODELS

To begin the discussion of the separation of church and state on a theoretical level, it is necessary to first begin by trying to come to a consensus on what the vast majority of individuals believe are universal principles of democracy. One such universal principle of democracy is equality for all. When individuals debate about what the precise nature of democracy is, this fundamental principle seems to be inherent in the idea of democracy and less debated. John Rawls asserts that the basic feature of democracy is “the fact of reasonable pluralism - the fact a plurality of conflicting reasonable comprehensive doctrines, religious, philosophical and moral is a normal result of its culture of free institution.”³⁹ Many different opinions or beliefs are not problems *per se*; problems in comprehensive doctrines are the following: “Difference as such is not a source of conflict. What causes conflict among adherents of different religious faiths are their leading to incompatible demands.”⁴⁰ If different religious faiths lead to incompatible demands, then it is apparent that these demands must be relented in the public realm to some degree. It seems impossible to accommodate for all of these different demands, seeing that they are incompatible with one another. How these demands can be counterbalanced and neutralized and what is the problem of infiltration of comprehensive doctrines in public realm, more specifically what is exactly comprehensive doctrine will be discussed below.

I shall proceed as follows. In section one, I will discuss the secular model based upon the idea of comprehensive and political doctrines. Within this section, I will discuss the liberal idea

³⁹ Rawls, John. The Law of Peoples With “The Idea of Public Reason. Harvard University Press, 2000. p. 131.

⁴⁰ Barry, Brian. Culture and Equality: An Egalitarian Critique of Multiculturalism. Harvard University Press, 2001. p. 25.

of democracy and the role of public justification that was put forth by John Rawls. In section two, I set forth some critiques on the liberal, secular state model. Within this section, I will give the basic criticism set forth by Ronald Dworkin to public justification. At the end of this section, I will also show the inequality that exists due to accommodation. I will conclude that Rawls' liberal idea of democracy and the role of public justification is one that should be used when conceptualizing a model of separation of church and state. By showing the inequality of accommodation, Rawls' conception of the liberal idea of democracy will be more compatible with the notion of separatism.

2.1 A Secular Model: Comprehensive and Political Doctrines, Rawls

As the concept of “comprehensive doctrine” is repeatedly used throughout the chapter, it is necessary to explain its substance from the very beginning. Jonathan Quong distinguishes between political conceptions and “conceptions of the good”, or comprehensive conceptions. He sets forth three distinguishing characteristics. First, comprehensive conceptions “provide a comprehensive account of how we ought to live in every aspect of our lives”. This runs contrary to political conceptions. Political conceptions are limited to make it clear what “members of just or legitimate state” owe each other. The second characteristic of comprehensive conception is that political conceptions, in contrast to comprehensive ones, do not make perfectionist considerations and metaphysical beliefs. In order to understand the specifics of this second characteristic, it is necessary to first define a perfectionist consideration, and then tell what metaphysical beliefs are. A perfectionist consideration can refer to “judgments regarding which virtues, activities, relationships, goals, ideals, attitudes, or values contribute to, or are essential to,

a worthwhile, excellent, or otherwise valuable human life.”⁴¹ What this means is that these judgments have a basis in intrinsic or inherent values. It is necessary to understand this because these intrinsic values give human beings reasons to live a life the way they do. These types of judgments cannot be changed, and it relates specifically to conceptions of the good. What a conception of the good refers to is “the full set of perfectionist considerations that any individual or group may hold, and are thus are analogous to theories of human flourishing.”⁴² What is interesting is that these types of conceptions of the good tend to have claims of a religious nature, and thus, is more comprehensive rather than political. Yet there are still metaphysical beliefs that must come into the picture as well. But what is the difference between the two? Quong highlights this difference when he states, “If perfectionist judgments refer to what is valuable in a human life, metaphysical beliefs often provide the explanation as to why those judgments are supposed to be valid or true.”⁴³ This implies that these two characteristics, perfectionist judgments and metaphysical beliefs, are in the doctrine known as comprehensive beliefs. The final characteristic of comprehensive conception is that values underlying the political conception shall be compatible with all the “permissible views about good life” and to the extent of their compatibility with all the just conceptions of good, they are political.⁴⁴ This final characteristic seems to show that there is quite a difference between political and comprehensive doctrines and how they refer to the conception of the good. But what exactly is this difference?

After defining the characteristics inherent in comprehensive doctrine, it will now be pertinent to the discussion to show the specific characteristics of a political doctrine and then

⁴¹ Quong, Jonathan. Liberalism Without Perfection. Oxford: Oxford University Press, 2011. p. 12.

⁴² Ibid., p. 13.

⁴³ Ibid., p. 13.

⁴⁴ Ibid., p. 14.

comment on which doctrine should be used. There are three distinguishable differences between the two. To begin with, a political conception has limited scope.⁴⁵ This basically means that claims are limited in the following subject matter: justice, state legitimacy, political obligation or citizenship. Rather than providing an explanation on how individuals ought to live their lives (as comprehensive doctrines do), a political conception “only sets out to explain what we owe to one another as members of a just or legitimate state.”⁴⁶ Another characteristic inherent in a political conception is that they avoid making perfectionist judgments and metaphysical claims. This runs contrary to the comprehensive doctrine that stipulates both of these are necessary to have a conception of the good. Lastly, another characteristic of the political conception is that “the public or political values will be robust across all permissible conceptions of the good.”⁴⁷ This last characteristic is the most convincing argument about why political conceptions of the good should be chosen over the comprehensive doctrine. Rather than appealing to claims that may contradict others (as comprehensive doctrines do), political conceptions try to find conceptions that are just and that do not contradict the claims of others’ conception of the good life. The main reason the political conception is better than the comprehensive is the second characteristic: moral conceptions are not based on perfectionist or metaphysical claims. Quong illustrates this point with the following example:

Consider the claim that ‘Rob has the right to that banana’. This is clearly a moral claim in that it tells us something about Bob’s moral status – he is the kind of being that can have rights – and it tells us something about everyone’s duties with regard to that banana, but it does not imply anything about human flourishing. Nothing is implied about what has inherent or intrinsic value in a human life, nor are any metaphysical beliefs invoked or

⁴⁵ Ibid., p. 14.

⁴⁶ Ibid., p. 14.

⁴⁷ Ibid., p. 14.

entailed in making this statement about Bob and the banana.⁴⁸

It is easy to see that having a political conception helps to meet rational demands of individuals. But what is the case with those who have comprehensive doctrines? Is it possible to reach the demands of those individuals? Rawls makes the distinction between comprehensive and political doctrines because he believes that a liberal regime is characterized by the fact of reasonable pluralism. What this implies is that it is impossible to find a common ground for doctrines that will be common for all them. Another pertinent aspect taken from Rawls is the principle of legitimacy. Because a democracy is so diverse, Rawls tries to answer what it would mean for citizens to legitimately exercise coercive political power over one another. He states that, “Our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason.”⁴⁹ Interestingly, what this means is that political power can only be used if all citizens can reasonably accept the enforcement of such a law. Within Rawls’ notion of a liberal democracy, legitimacy is one aspect that he touches upon. It is a useful discussion for this research because it sheds light on how a particular set of basic laws can legitimately be imposed upon a pluralistic society. In this next section, we will continue to highlight what Rawls’ notion of the liberal ideal of democracy is and how it affects what model of the separation of church and state should be used on theoretical level.

2.2 The Liberal Ideal of Democracy

⁴⁸ Ibid., p. 14.

⁴⁹ Rawls, John. Political Liberalism. New York: Columbia University Press, 1996. p. 137.

Understanding Rawls' liberal ideal of democracy is important for determining the theoretical background and finding the best fitting normative theory of a democratic state. Then, we can see how it applies to the case of religious accommodation or separatism. One such ideal of democracy that comes close to formulating the most fitting model is the liberal ideal of democracy. This ideal stipulates that the state shall be neutral in terms of deciding upon the legitimacy of certain principles and practices within the private realm. But what is meant to be said when the word "neutral" is invoked? Is it possible for a state to remain neutral on such controversial issues that populate the debates in and around states' citizens? Simply, the liberal idea of democracy believes it can because "the state [becomes] neutral when it refrains from appealing to comprehensive values and draws instead on principles which all citizens can endorse."⁵⁰ If the vast majority of individuals in a society follows a specific religion and do receive special rights than other minorities in the country, then there appears to be a level of inequality evident from the very beginning. Given so, it means that no state religion or privilege for one particular religion should be granted even if the majority in the state wants it.

It is obvious that each and every interest group or institution all over the world is trying to acquire special rights, and religious institutions are among them. When a particular religious institution gains a special treatment or privileges, it could be said that it is sometimes justified by its special, beneficial role in the history of a country and the role it played in its' development. Alternatively, certain cases of preferential treatment of particular religious denominations may take concealed form and never get official recognition. However, before checking the justifications for preferential treatment, the question one needs to ask is why the majority is not

⁵⁰ Rawls, John. The Law of Peoples With "The Idea of Public Reason". Cambridge: Harvard University Press, 2000. p. 305.

free to treat one religion it favors better than others. The crucial question that is asked by Dworkin still needs more consideration and is a puzzle in and of itself: what do you do with a “nation in which a large majority believes in a god?” “Which model should have such a state?”⁵¹ And here, he reminds us about the important circumstance that in our days “political stability is much greater than it was in seventeenth-century Europe.”⁵² Whether our world is much different today than in seventeenth century is a different question. What is relevant here is the fact that despite elaborate arguments about how peaceful and positive influence religion can have on society, historical data, such as for example Saint Bartholomew’s Day Massacre and recently announced Jihad, prove that religions have also the very opposite potential – they can drive mobs to heinous atrocities and neglect the human dignity due to each human being despite its faith. Historical data also shows that religious sentiments were regularly used to justify killing and torturing of bad “others”, “evils”, or subordination of weaker: woman or minorities.

If individuals want to have the moral right to claim that they have changed over time, there needs to be an agreement upon basic truths: that people receive, personally, every decision connected to religion and that everyone beliefs that their god is the only truth. This excludes the possibility of recognition of valuable teachings of other religions - some people do not believe at all in a god. Religious views express what these individuals believe of the world and of life with one another. A political agreement could not come into fruition when individuals’ points of view are so diverse. There must be a way to form political agreements by some way other than religious arguments. The legitimacy of implementing a law based upon a principles or demands

⁵¹ Dworkin, Ronald. Is Democracy Possible Here? Principles For a New Political Debate. Princeton: Princeton University Press, 2006. p. 67.

⁵² Ibid., p. 67.

of one (or several) religion does not extend to everyone, according to Rawls' liberal idea of legitimacy. Realizing this, it seems totally implausible that politicians want to change the entirety of individual life by implementing the adoption of law about prohibition of abortion due to the fact that the rationale for prohibition comes from the church individual. In this instance, what happens is that one moral claim, brought about due to religious reasons, trumps that of others, making one viewpoint preferential to others. As Rawls states, "Political relation may be that of friend or foe, to those of a particular religious or secular community or those who are not; or, it may be a relentless struggle to win the world for the whole truth. The zeal to embody the whole truth in politics is incompatible with an idea of public reason that belongs with democratic citizenship."⁵³ At this point in the research, it is necessary to go deeper into Rawls' public reason and public justification before we venture more into broader critiques on the secular model.

2.2.1 Public reason

Rawls' notion of public reason is such: collective, equal citizens in a society "exercise final political and coercive power over one another in enacting laws and in amending their constitution."⁵⁴ Yet rather than public reason being applied to nearly every aspect of society, it is limited to basic questions of justice and other constitutional essentials (liberty, equality, and property). Interestingly, Rawls does not exclude religious or personal reflection in public reason about political questions. He believes that "each individual should yield to the ideal of citizens governing themselves in ways that each thinks the others might reasonably be expected to

⁵³ Rawls, John. The Law of Peoples With "The Idea of Public Reason. Cambridge: Harvard University Press, 2000. p. 134.

⁵⁴ Rawls, John. Political Liberalism. New York: Columbia University Press, 1996. p. 214.

accept.”⁵⁵ When individuals do this, then they are appealing to their own comprehensive doctrines and thus, affirms the ideal of public reason within their own reasonable doctrines. Yet there does seem to be a problem in this instance. Rawls conveys that citizens will still receive some action personally in aspect of religion and try to spread the “whole truth” that is held by their own religion. Yet it must be noted that this is not just an effect of religion – all comprehensive, controversial doctrines of the good do the same. Rawls notes that individuals should only appeal to political principles. Approaching these political conceptions through controversial, comprehensive doctrines will never work in a democratic society that is ruled by public reason: a democracy necessarily requires that, as one equal citizen among others, each of us accept the obligation of legitimate law.⁵⁶ There seems to be a greater reason why it would be unreasonable for individuals to justify policies appeal to the “whole truth”. The answer lies in legitimacy - it is impossible to legitimately enforce a policy on reasons that others cannot be reasonably expected to accept. Rawls defines this best when he states, “Our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational.”⁵⁷ Principles and policies must be supported by political values of public reason, according to Rawls, and what this implies is that all citizens have a moral duty to explain these reasons to one another.

In this instance, Rawls asks a more difficult question: “How is it possible –or is it – for those of faith, as well as the nonreligious (secular) to endorse a constitutional regime even when

⁵⁵ Ibid., p. 218.

⁵⁶ Ibid., p.150

⁵⁷ Ibid., p. 217.

their comprehensive doctrines may not prosper under it, and indeed may decline?”⁵⁸ The answer, and more generally the essence of the whole discussion, lies in this statement: “The religious or nonreligious doctrine understands and accepts that by endorsing a reasonable constitutional democracy, there is no other way fairly to ensure the liberty of its adherents consistent with the equal liberties of other reasonable free and equal citizens”⁵⁹ Rawls is indicating that there is no another way but “endorsing a reasonable constitutional democracy” and in “endorsing a constitutional democratic regime, a religious doctrine may say that such are the limits God sets to our liberty; a nonreligious doctrine will express itself otherwise. But in either case, these doctrines formulated in different ways how liberty of conscience and principle of toleration can cohere with equal justice for all citizens in a reasonable democratic society.”⁶⁰ But the main aim here is to answer why choosing the path of excluding religion from politics will damage believers that retain whole freedom to worship and serve what they want in private life. “Most people would be hard put to try to carry out a program of excluding their deepest religious convictions from their political judgments. They could not disentangle what they believe because of underlying religious convictions from what they would believe if they relied only on premises of liberal democracy and shared techniques of understanding.”⁶¹ How does this work for those public officials who appeal to their constituents that are religious? What if these public officials are themselves deeply religious and follow a comprehensive doctrine? This is an important objection to public reason that will be further discussed in this next section before the debate is taken elsewhere.

⁵⁸ Ibid., p.151

⁵⁹ Ibid., p. 151.

⁶⁰ Ibid., p. 151.

⁶¹ Greenwalt, Kent. “Religiously Based Judgments and Discourse In Political Life,” *Saint John's Journal of Legal Commentary*, 2007. p. 6.

2.2.1.1 Objections to public reason

The way to decide on the proper role of religions in the public life is to identify the benefits that they will have in the case of excluding religion from the public life and costs of the same exclusion. First of all, it is important to refer to Dworkin, who believes that “excluding people’s most profound convictions from political debate”⁶² is not a very good or correct idea. This is due, in part, to the fact that there should be different aspects of thinking. Dworkin acknowledges his support for issues that are not only political but comprehensive as well. He believes that only public reason and publicly justified decisions are not enough. Rather, he offers a new strategy, one that advises to “try to achieve a genuine debate within civil society about those profound convictions. Liberals must try to show religious conservatives that their ambition to fuse religion and politics in the way they now propose is an error because it contradicts very basic principles that are also part of their faith. Conservatives must try to show liberals that they are wrong in that judgment.”⁶³ He applies this to the principle of human dignity that requires each, individual human being to take personal responsibility for “his ethical convictions, including his religious convictions.”⁶⁴ What Dworkin is trying to convey is that religious individuals have a claim to invoke religious sentiments when trying to come to the best conception of the good. Yet, as will be seen, having a political conception of the good based on these religious principles (which are not necessarily “moral” for all people) is problematic. This aspect is counterintuitive to Rawls’ notion of legitimacy – individuals can be legitimately obliged to follow a law, but the way that they agree to this law is based upon the liberal principle

⁶² Ibid., p. 65.

⁶³ Ibid., p. 65.

⁶⁴ Ibid., p. 65.

of public reason. As such, political conceptions trump the individualistic comprehensive conceptions that are incompatible for all of a society to enter into and follow legitimately.

In stark contrast, Rawls answers Dworkin by stating that “Political values are not moral values and they should be separated.”⁶⁵ Although it may be appealing to administer this type of Rawlsian approach, in reality, separating of the two is difficult. The separation of moral and political values within the government’s legitimate interest is not easy. Public interests sometime reflect religious or comprehensive moral doctrines. Prohibition of polygamy can be one example. Christianity establishes monogamy as the only acceptable form of wedding, whereas Mormons accept polygamy as the desirable form of a wedding. In this situation, if a government wants to make monogamy the only legal form of marriage, justification for the political decision shall not be based on moral or religious reasons, as different religions take different approaches on the same issues. Justification of political decision stemming for particular religious doctrine will not accordingly be acceptable or persuasive for followers of other religions - that dramatically affects the degree of legitimacy of the decision. Justification should be based on public reason, which would be understandable and accessible to everyone and be legitimate and just.⁶⁶ In the case of monogamy, such public reason, as it is often articulated, is its necessity to ensure equality of woman. Certainly, when there exists consensual adults, who can and are legally well-equipped to protect their rights, necessity of state-imposed protective regimes becomes immediately suspect. Despite this, proponents of paternalistic regulations of marriage institute refer to the recent history of male domination and absence of necessity level of empowerment of women to this day as justification of state imposed prohibition of polygamy. Over time, this argument will

⁶⁵ Rawls, John. The Law of Peoples With “The Idea of Public Reason. Cambridge: Harvard University Press, 2000. p. 147.

⁶⁶ Ibid., p. 147.

become less and less persuasive; however, what matters for the present discussion is how reason is applied by proponents and opponents of polygamy. These reasons should be related to values of democracy and liberalism rather than any specific religious doctrine or other comprehensive doctrine: “Religious reason and sectarian doctrines should not be invoked to justify legislation in a democratic society.”⁶⁷

Of course, individual decision-maker’s ethical and religious convictions will always stay with the person; it is inseparable from the person and everyone has the basic right to be allowed to demonstrate and express his or her religion in the private sphere. However, when in public, specifically the political arena, officials should use and justify his or her decisions with public justification. This type of justification would be reasonable and understandable for all reasonable people, indiscernible of religious confession: “The ideal of public reason is realized or satisfied whenever judges, legislators, chief executives, and other government officials, as well as candidates for public office, act from and follow the idea of public reason and explain to other citizens their reasons for supporting fundamental political positions in terms of the political conception of justice they regard most reasonable.”⁶⁸ Defying the guidance of the political process by religious reasons presents important protection against tyranny of majority. As Dworkin points it out above, the majority can use representative democracy for promotion of majority’s culture of religion and for imposition of their values on everyone through legislation,

⁶⁷ Ibid., p. 148.

⁶⁸ Ibid., p. 138.

which would be as morally reprehensible and as grave interference with liberty, as in case of minority imposing their values on majority.”⁶⁹

The danger of paternalistic interference in minority’s liberty as a possible outcome of allowing religion in public sphere is not a credible threat to Dworkin. He assumes that fundamental rights are protected and that they are not something that can be taken away or changed. Dworkin still cannot see the need for the exclusion of religion in a society. He thinks that people (at least in US) are developed enough to understand that subordination and looking for special treatment is not just: “Religious as well as secular Americans would acknowledge the responsibility to reject subordination; faith for them must be a matter of conviction from within, not compulsion from without.”⁷⁰

Matteo Bonotti, who asserts that Rawls offers “unduly” thick conception of reasonableness, also criticizes Rawls’ idea of public reason.⁷¹ In Bonotti’s opinion, Rawls’ conception leaves the public political realm without range of comprehensive values. For example, religious political parties could be brought into the political debate and therefore put religious political parties into disadvantageous positions by being based upon religious values. In response to these objections, Rawls thinks that, at maximum, what can stay in the public realm are just some religious sentiments and principles. These principles can be accepted as long as they do not contradict other reasonable public principles and they can be common to every reasonable

⁶⁹ Dworkin, Ronald. Is Democracy Possible Here? Principles For a New Political Debate. Princeton: Princeton University Press, 2006. pp. 77-78.

⁷⁰ Ibid., p. 66.

⁷¹ Bonnotti, Mateo. “Religious Political Parties and Limits of Political Liberalism”, *Springer Science and Business Media B.V.* 2010. p. 108.

human being. One way that individuals are able to do so is through an overlapping consensus. This idea of an overlapping consensus is the basic hope for Rawls in making a stable liberal society. What overlapping consensus means is that justice as fairness is fully justified only if it can be the object of an overlapping consensus among diverse religious and moral views.⁷² What goes beyond these limits should not be used for justification of political decisions and overlapping consensus is only guarantee on which stable liberal society can rest.

Dworkin doubts that there are such reasonable people in political community who will wish to live together “on terms of mutual respect and accommodation and will therefore accept the constraints of what the very influential philosopher John Rawls called public reason.”⁷³ Still, Dworkin does assume that democratic deliberation and majority rule are legitimate only within a framework in which rights are protected and resources are more or less fairly distributed.

2.2.1.2 Appealing for public justification

In contrast to Dworkin’s position, which asserts that religious convictions can and should be part of the public debate, Rawls thinks that public justification, rather than comprehensive doctrines, is the most just and plausible. It is “central to the idea of public reason in that it neither criticizes nor attacks any comprehensive doctrine, religious or nonreligious, except insofar as that doctrine is incompatible with the essential of public reason and democratic polity.”⁷⁴ Quong gives more credit to public reason than Dworkin: “The idea of public reason entails a particular version of democratic deliberation, one where citizens and public officials only support political decisions when they sincerely believe those decisions can be justified by appeal to considerations

⁷² Rawls, John. Political Liberalism. New York: Columbia University Press, 1996. pp. 133-172.

⁷³ Ibid., p. 64.

⁷⁴ Rawls, John. The Law of Peoples With “The Idea of Public Reason”. Cambridge: Harvard University Press, 2000. p. 132.

that each person can reasonably endorse in their capacity as a free and equal citizen, that is, that they only support laws that can be justified by appeal to public reasons.”⁷⁵

If individuals agree that democracy, peace and equality (not just rule of majority) are the most important values in a society, then it should be evaluated how exclusion of religion from public life will ensure these values. Rawls states: “While no one is expected to put his or her religious or nonreligious doctrine in danger, we must each give up forever the hope of changing the constitution so as to establish our religion’s hegemony, or of qualifying our obligations so as to ensure its influence and success. To retain such hopes and aims would be inconsistent with the idea of equal basic liberties for all free and equal citizens.”⁷⁶ Equal and basic liberties are inherent within constitutions, and if religious individuals did try to establish their religion in the constitutional framework, then it would impede the rights of all others who do not share the same doctrine.

All free and equal citizens are completely free to enjoy undivided freedom of their religion in private life. Yet it is clear from the very beginning of the discussion that this is not enough. Although not all the existing religions share this feature, some evangelical religions claim to be exclusively true, denying that other religions can also guide peoples’ lives according to the Divine Will. From this perspective, equal rights and equal treatment for all religions is incompatible with self-understanding of the world’s most widely-accepted religions and religious institutions. This self-perception is incompatible with standing on equal footing with others in a society. Hence, non-true religions are seen as “heretical” and then special regimes and special

⁷⁵ Quong, Jonathan. Liberalism Without Perfection. Oxford: Oxford University Press, 2011. p. 256.

⁷⁶ Ibid., p. 150.

treatment is produced.⁷⁷ This is what makes religions so special – they are everlasting.

Evangelical religions are winner-takes-all type thought systems, they do not want to leave space for other religions and usually declare that followers of other religions will be allocated to hell; non-followers can be subjected to hell right on the earth by believers: “We are prone to extremes in the service of our holy causes. Conflicting secular ideas, even when firmly held can often be blended and harmonized in the crucible of free discussion; but a clash of the gods is like a meeting of an irresistible force with an immovable object”⁷⁸

There is no democracy without pluralism and no pluralism without different beliefs and goals. This routine observation about the good side of democracy also depicts the quality of public life that is prone to become big trouble: “Society is divided into separate groups, each of which has its own fundamental interest distinct from and opposed to the interests of the other groups and for which it is prepared to resist or to violate legitimate democratic law.”⁷⁹... “It is the interest of a religion in establishing its hegemony”⁸⁰ or “fundamental interest in maintaining a certain degree of success and influence for its own view, either religious or nonreligious.”⁸¹ The way out of this dilemma is again the separation of public and private spheres and allocation of religions to the latter realm. “The only way to avert the threat religion posed to stability was to relegate practice to a private sphere of thought and conduct.”⁸²

⁷⁷ Here, it must be noted that some evangelical sects do not adhere to the same strict principles. It is pertinent to the discussion to point out that some are, in fact, compatible with other religions. Yet, it still does depend upon the sect.

⁷⁸ Audi, Robert. “The Separation of Church and State and the Obligation of Citizenship,” *Philosophy and Public Affairs*, No. 3, Issue 18, 1989. p. 296.

⁷⁹ Rawls, John. *The Law of Peoples With “The Idea of Public Reason”*. Harvard University Press, 2000. p. 150.

⁸⁰ *Ibid.*, p. 150.

⁸¹ *Ibid.*, p. 150.

⁸² Weithman, Paul J., *Religion and Contemporary Liberalism*, University of Notre Dame Press, 1997. p. 1.

Due to the above-mentioned, Rawls thinks that this painful issue should be decided peacefully by using public reason. The most important role of public reason is that it “serves merely to quiet divisiveness and encourage social stability.” In a society with many faiths, political issues might be discussed in terms of political ideas and values as not to open religious conflict and arouse sectarian hostility.⁸³ Dworkin, who does not share this position as it was said above, claims that, “The schism over religion in America shows the limitations of Rawls’s project of political liberalism, his strategy of insulating political conviction from deeper moral, ethical and religious convictions.”⁸⁴

As Rawls shows, each citizen does support a political conception of justice for reasons internal to his or her own comprehensive doctrine. When the conception is ‘political’, then that assumes it can fit into any number of worldviews that citizens might hold. This type of overlapping consensus could be seen in the comprehensive doctrine of Catholicism, which supports the liberal political conception of religious freedoms that is internal to Catholicism. The following quotation best illustrates this doctrine:

This Vatican Council declares that the human person has a right to religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that in matters religious no one is forced to act in a manner contrary to his own beliefs. Nor is anyone to be restrained from acting in accordance with his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits. The council further declares that the right to religious freedom has its foundation in the very dignity of the human person, as this dignity is known through the revealed Word of God and by reason itself. This right of the human person to religious freedom is

⁸³ Ibid., p. 149.

⁸⁴ Dworkin, Ronald. Is Democracy Possible Here? Principles For a New Political Debate. Princeton University Press, 2006. p. 65.

to be recognized in the constitutional law whereby society is governed and thus it is to become a civil right.⁸⁵

Rawls would point out that this is one claim of a doctrine that is legitimate. But how does he formulate these liberal principles of legitimacy? And how does this apply to the idea of legitimacy of religious doctrines for a liberal society?

He formulates liberal principles of legitimacy as follows: “Exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason.”⁸⁶ In this instance, Dworkin does not agree; he believes this is just an attractive hope that does not have any chance to come true in the objective reality where people “do not accept private observance as a substitute for public religious endorsement; they want to celebrate their god not just as private worshipers but as citizens.”⁸⁷ Dworkin also doubts that there are such reasonable people in political community who will wish to live together “on terms of mutual respect and accommodation and will therefore accept the constraints of what the very influential philosopher John Rawls called public reason.”⁸⁸

2.3 Criticisms on the Liberal, Secular State Model

Although there has been a considerable amount of discussion between Rawls and Dworkin, along with different ideas of a liberal, secular state, it is necessary to point out some of the critiques on the secular model and show why a secular model is superior to these critiques. One critique is consistent with the following question: if people believe that their politics must

⁸⁵ Pope Paul VI, *Declaration on Religious Freedom: Dignitatis Humanae*. December 7, 1965.

⁸⁶ *Ibid.*, p. 137.

⁸⁷ Dworkin, Ronald. *Is Democracy Possible Here? Principles For a New Political Debate*. Princeton: Princeton University Press, 2006. p. 64.

⁸⁸ *Ibid.*, p. 64.

be consistent with their morality, why should they be discouraged or stigmatized for doing so? What happens in this instance is that religious individuals base their political commitments on the basis of their conscience.⁸⁹ In a secular state, politics would be based on the requirement that religious reasons would not be included in the debate. Since individuals do believe that their politics is consistent with morality, then they should not be penalized for believing so. Another author points this out by showing that religion seems to be the only conversation stopper, which is basically assuming that only religious people are passionate about their beliefs.⁹⁰ In response to this critique, although these religious individuals are not the only ones who bring in passions, the arguments that justify their beliefs are those that are completely irrational to the vast majority of individuals living in that society. That is why these beliefs are so incompatible and cannot be compromised on to finding some sort of agreement on the issue.

The second critique on secularism follows somewhat closely with this notion of living a good life and not being restrained from that idea. Many religious doctrines do, in fact, prescribe to the idea that living a restricted, rule-bound, and disciplined life is one that is of worship to his or her God. It could be argued that actions made by these individuals in the public sphere are irrational to all others. Liberalism does not appeal to these individuals, because the notion of rationality in coming to a compromise does not exist for these religious individuals. Yet those anti-secularists would state that liberalism does not understand these types of living. Furthermore, by being seen as exclusionists, secularism cannot accommodate community-specific rights. What this implies is that although it can cope with other inter-religious domination, it cannot deal with

⁸⁹ Sandel, M.J. "Freedom of conscience of Freedom of Choice," in Religious Liberty in the Supreme Court, ed. T. Eastland. Cambridge: Eerdmans. 1993. pp. 483-496.

⁹⁰ Ronald Rorty, "Religion as a Conversation Stopper," *Common Knowledge*, Vol. 3, No. 1. 1994, p. 2.

them.⁹¹ Yet it could be argued that accommodating for religions necessitates very accurate and careful balancing of conflicting interests and resources so that inequality, oppression and exclusion be averted. Unconditional accommodation of religious institutions depicts extreme cases of female degradation or defiance of other basic liberal values. On the other hand, the reverse side of the coin is to regulate state interference in the religious practices, which *prima facie* seem incompatible with liberalism and values of equality and dignity, such as prohibiting menstruating women from temples in India. Although discrimination of women is fundamentally incompatible with equality, many liberals would advocate against state interference in this situation as autonomy of religious institutions in its doctrinal matters, is in itself important liberal value and as far as freedom of religion for females is guaranteed and they subject themselves to the regime free of coercion, state interference is not considered justified. This is most important aspect of separation church and state: they have two different realms to govern. However, it shall be admitted that overlaps between these secular and non-secular jurisdictions occur. Allocating authority in the overlapping areas is complicated issue of law and policy, however, generally speaking, priority shall be granted to regulation through the state and through democratically adopted laws, as they are acceptable and binding for everyone without any distinction on the ground of religious or philosophical convictions.

The last critique to be discussed in this section is that of the rationalist conception of reasons for secularism. Ultimately, some authors argue that this rationality puts unfair limits on the public debate. For this reason, emotional debates cannot be argued due to the fact that liberals are mandating a certain degree of rationality. Therefore, these individuals would argue that

⁹¹ James Keane, *The Political Quarterly – Secularism?* (Oxford: Blackwell. 2000) 14.

secularism's model of moral reasoning is context-insensitive and absolutist.⁹² This, I would argue, is exactly what liberalism is trying to do. Rather than appeal to context-specific arguments, it tries to go above and beyond and reach a more universal agreement. Why should there be an invocation of arguments on something that is only specific to a small percentage of those individuals, especially if their arguments are completely irrational? Although these critiques do shed some light on the debate about secularism, it is not convincing to scrap the theory altogether. Rather, in the next section, I will highlight what the most fitting normative theory of the separatism of church and state actually is, based upon the previous literature in this chapter.

2.4 Inequality in Accommodation: Further Problems: Accommodation

As it seems, meeting incompatible demands would inevitably lead to unequal allocation of rights and resources in the political society. For example, riding a motorcycle without a helmet is generally forbidden in most societies. But there has been an exemption only for Sikhs who must wear a special hat, according to their religion. It is incompatible for them to wear helmets, since their special hat must be at the top of their head. Yet to allow another individual to not wear a helmet is against the law. The other person's claim to driving without helmet will be denied on any other ground than a religious exemption. This is quite the double standard. Brian Barry asserts that neutrality is the only coherent notion that sets forth the terms of equal treatment for different religions.⁹³ As can be seen, Barry advocates a strongly challenged approach: that special treatment, often demanded by individuals or organization and, based on religious beliefs, must be refused, as origin of new inequalities. It is truly contradictory to be

⁹² Connolly W.E, Why I Am Not a Secularist, Minneapolis: University of Minnesota Press 1999. p. 27.

⁹³ Barry, Brian. Culture and Equality: An Egalitarian Critique of Multiculturalism. Cambridge: Harvard University Press, 2001. p. 30.

concerned about inequality, and at the same time, ask for special rights for a segment of population in order to ensure they have equal opportunity for well being. The problem with this argument is that special treatment of religious groups in order to make them “happier” always results in inequality towards other people not associated with that religion. Clearly, this inequality cannot be ignored. When due to the individual choice to belong to special group, a person is granted special rights, while another person deciding not to belong to the relevant group does not have the same entitlements, this situation has applying of application double standards.

Differentiating between inequality generated by choice, as opposed to chance, Jonathan Quong asserts, “My claim will be that justice permits exemptions from generally applicable laws in many cases of cultural disadvantage, and that justice requires exemptions when such cases involve the principle of fair equality of opportunity...luck egalitarians are defined by their commitment to the following principle: inequalities between individuals that are the result of chance, as opposed to choice, are unjust”.⁹⁴ Here, we have differentiation between people who have chosen to cultivate some addiction and ask government for special exemptions in order to live according to the chosen way of life and people who are not given the choices yet need exemption in order to live a life according to their conception of the good. For example, in the Kiowa tribe, a Native-American tribe in the United States, individuals are given special exemption to use peyote (a hallucinatory herb) while other citizens are prohibited for using. For the Kiowa tribe, they ask for exemption due to the fact that the plan is part of a religious ceremony that helps them approach their God. It is an inherent aspect of their life that they do

⁹⁴ Quong, Jonathan. “Cultural Exemptions, Expensive Tastes, and Equal Opportunities”, *Journal of Applied Philosophy*, Vol. 23, Issue 1, 2006. p. 59.

not choose but are born into. This differs from those who choose to take peyote for their own happiness.

In an even more critical view on this issue is one set forth by Bhikhu Parekh who states that, “Sikhs should be granted special rights to wear knives due to the fact that it is “special treatment on the basis of their belief.”⁹⁵ To explain why it is not discrimination that other people, of no Sikh religious and ethnic affiliation, but also desiring to wear knives shall not be allowed to do the same in contrast to Sikhs, Parekh states, “There is no discrimination involved because their (i.e. non-Sikhs’) religious requirements are not ignored, and because they (i.e. non-Sikhs’) do not suffer adversely as a result of the law respecting ...(religious requirements) of the Sikhs.”⁹⁶ But exempting certain individuals still renders the question: is it compatible with a democracy, with an implied idea of equality?

From this perspective, democracy with the implied idea of equality cannot be reconciled with conferring privileges and preferential treatment. In liberal democracies, the protection of rights of minorities also matters. Despite the fact that majority-ruled democracy has long been recognized as a defective one, some democracies continue to favor one particular religion that the majority of taxpayers and voters in a country believe in. This logic alludes to a puzzling question about whether a country should give preferential treatment to the vast majority of its people. If one religion has more followers (or a large majority of the population), then why should that religion not be accommodated for in that society? Dworkin’s answer to this would be: “Judgment made by officials who decide that the state should express religious values in order to promote a culture of religion is just as personally judgmental and just as offensive to

⁹⁵ Bhikhu, Parekh. “Equality in a Multiracial Society,” in ed. Jane Franklin’s Equality. 1997. p. 135.

⁹⁶ Ibid.

liberty as a paternalistic justification would be. It makes no difference that a large majority may hope for a religious culture. People's personal responsibility for their own lives is as much frustrated by allowing a majority of citizens to impose their values on everyone through legislation as it would be by allowing some minority to do that."⁹⁷

After reviewing the basic literature on the philosophical discussions of the religion in society, the approach set forth by Rawls seems to be the best fit. Due to the fact that Dworkin does not believe that public justification can replace and exclude comprehensive doctrines, his approach seems to be the lesser of the two. Although Rawls' liberal ideal of democracy does fit better than the Dworkin's idea does. It is very important to notice that public reason can be seen in three parts: the discourse and reasoning of judges, the discourse of government officials, and finally the discourse of political candidates and their representatives. This idea of public reason does not cover much broader claims but aims to demonstrate that it is unacceptable for public persons to base their judgments on something other than reasonable justification. To take the idea of separatism a bit further, I will try to demonstrate Brian Barry's model of separatism that covers a broader conception of how shall reasonable justification be generated. He starts the discussion with a critique on what was previously discussed above, stating that liberal principles are not enough for a peaceful solution of religious differences in the society. One solution of the problem can only be achieved through reducing demands of different parties (religions): "Liberal principles are not some sort of 'magic bullet' that can somehow create harmony without any need for sacrifices by the parties."⁹⁸ If the parties want peace, they have to make concessions that are needed to reduce their demands so that they become compatible. His notion is what should be

⁹⁷ Dworkin, Ronald. Is Democracy Possible Here? Principles For a New Political Debate. Princeton: Princeton University Press, 2006. pp. 77-78

⁹⁸ Barry, Brian. Culture and Equality: An Egalitarian Critique of Multiculturalism. Cambridge: Harvard University Press 2001, p. 25.

offered to the public sphere: he offers the privatization of religion, similar to the mode of handling conflicting religious differences. Although he disagrees with Rawls, he does give credit to the notion of overlapping consensus and about public reason. Where he differentiates with Rawls is that there should be a much stricter separation of church and state. He thinks that religion must be depoliticized and dealt with as a private matter.⁹⁹ Here is the essence of privatization in Barry's words: "Here are the rules which tell people what they are allowed to do. What they choose to do within those rules is up to them."¹⁰⁰ It is possible to examine the feasibility and soundness of Barry's argument through some hypothetical situations where there are no contradictions between the requirements of different religions and the government purports to accommodate all religions and to give everyone what they ask in name of their religion. What can be assumed is that statutes are enacted in this situation, but it is clear that statute, with thousands of exemptions, cannot work or be executed. There are thousands of different religions and different conceptions of what God entails in every society. Most importantly, there is also a superior need of universal and uniform order and peace. The order can, and should, be achieved by the rule of law - the same for every one without exemption, as the exemption is the cause for dissatisfaction and inequality.

Multiculturalists, who think differently about the problem, criticize this position. The general argument of multiculturalism goes as follows: failure to offer special treatment under some circumstances itself presents unequal treatment and therefore violates equality.¹⁰¹ In response, Barry asks this question to critics of his theory: "equality of what?"¹⁰² The multiculturalists talk generally about equality of opportunity. Barry explains: "The concept of

⁹⁹ Ibid., p. 25.

¹⁰⁰ Ibid., p. 32.

¹⁰¹ Ibid., 34

¹⁰² Ibid., 34

equal opportunity is a difficult one, and has to be interpreted differently in different context...Thus, in its most general signification; equality of opportunity may be characterized as equality of choice sets.”¹⁰³ However, Paul Kelly understands that equality of opportunity does not suffice for the claim of multiculturalists and expands it as “equality of outcomes and equality of opportunities”¹⁰⁴.

What needs to be done on the level of theoretical, philosophical discussion about the separation of church and state is applying Rawls’ idea of setting up liberal rights and political doctrines. Yet where Rawls’ doctrine ends, the argument of Barry must be used. This means that religion should be privatized and kept to the private sector rather than being invoked for public reason or given special treatment in the sphere of public life. One of the only ways to achieve equality is to have a state that is a non-actor, or neutral on every issue, including religion. Excluding religion from public life is just the start – then, individuals will be able to have freedom of choice and religion in the private sphere.

In this section, we introduced the philosophical debate on the separation of church and state. By beginning with Rawls’ ideal of a liberal democracy, we were able to conclude that the notion of public reason is one of the best instances where individuals can agree upon liberal principles that do not impede on one another’s rights. Although there were sound critiques on the liberal, secular model of society, they did not address the inequality of accommodation. In the last section of this previous chapter, we were able to show how accommodation does lead to inequality, and thus, render Dworkin’s criticism to public justification as inferior to Rawls’ notion of public reason.

¹⁰³ Ibid., 54-55.

¹⁰⁴ Kelly, Pau., Multiculturalism Reconsidered: “Culture and Equality” and its Critics, *Polity*, 2002. p. 62.

CONCLUSION

After demonstrating all the different models of the separation of church and state that represent different societies throughout the world, we see that the separationist model is the model preferred due to the following: it is based more on public principles and the “Barrian view”. The problem that this research sheds light on is the fact that in theory, the philosophical discussion of separatism works, but in practice, these models have many weaknesses. There are many pertinent illustrations of this problem, but I will shed light on just a few of them here.

In the French legal system, there is an entrenched unequal treatment when people are allowed to wear all kinds of strange clothes in the name of fashion, yet individuals are not allowed to wear religious clothing, such as a turban or religious symbols in the public space. Concealment of the face in public spaces is prohibited on all French territory, both in metropolitan France and in France’s Overseas Departments and Territories. Apparently, here we have an opposite version of separatism aiming at equality, yet resulting in discrimination. To choose one’s clothes is an inherently private decision. The normative assumption is that the government should not interfere in this choice, in the same way, as it should not compel all of us to wear uniforms. The solution enshrined in France and allowing for example, a necklace with the image of Marilyn Manson but not with a Christian, cross is a genuine case of discrimination. Moreover, it is flagrant intervention into one’s private life and intimate choices. I believe, similar to the Rawlsian point of view that if someone is a public figure, then he or she represents the majority of people, thus, should not invoke religious reasons to garner support. In contrast,

individuals should be allowed to have the freedom in choosing what clothes to wear without paternalism of the state. In a similar way, the state should not be implementing what religion is the best for individuals to follow – they should be allowed to make their own decision about what religion, if any, to follow regardless of the consequences. The government has justification that outweighs religious reasons due to important interests, such as women’s rights in the French case. If everyone has rights of choosing their own clothing, why do Muslims not have the same rights? The rule is obvious when it comes to public officials, such as teachers in public schools and pupils in public schools that have uniforms. But the good thing about this model is that everyone can have their own religious school if they will pay for it – meaning, if it privatized. In this way, teachers could wear a burke or whatever other religious symbol identifying with certain religious practices.

In accommodationist regimes, we have a very opposite problem. Here some religious group enjoying special right even in dressing code, like well- known example of Sikhs who are allowed to wear kirpan - mandatory religious duty of orthodox Sikhs - in schools. However in public schools where everyone is obligate to wear uniform or at least in no way is it allowed to wear some kind of weapon, it is very dubious that allowing immature person to with knife is plausible. The solution may be having religious schools, in which everyone will be equally empowered to carry the knife. The solution of Barry to place the debate on the role of religion in polity on the separation of public and private life seems problematic from the perspective of these examples: it is extremely hard to draw the line between public and private life, because they are entangled all the time. Choices done in one sphere have fundamental implications for the other sphere. The complexity of its implementation is the main flaw of Barry’s “privatization” solution. The standard of allocation offered by Rawls, in contrast, is way easier to

put in practice without violation of equality of right of autonomous choices of ordinary citizens and individuals. Restrictions on religious expression in public sphere shall be applied only to public officers, or representatives of state. They shall have strong appearance of neutrality towards any religion in order to ensure state's compliance with the three fundamental principles set forward by Audi: libertarian, equalitarian and neutrality principles. The choices of individuals with no manifest links with state, even the choices that are publicly perceivable shall be left to the domain of the individual autonomy and no interference in that domain can be justified by the general interest of church-state separation.

Although the theoretical approach we have found to work the best is separatism, what occurs when implemented in societies is an outcome that differs from one society to another. For this reason, we have found that models should be based upon liberal ideas of the separation of church and state in order to have the best optimal outcome in the end. If we did not appeal to this type of liberal principle, then outcomes would be based on individualistic notions. So, what is best for one group (the best possible outcome reached) is not necessarily the best for someone else.

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