

# Five arguments against single state religions

Ethnicities

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[journals.sagepub.com/home/etn](https://journals.sagepub.com/home/etn)**Bouke de Vries** 

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## Abstract

A significant proportion of states grants constitutional recognition to a single religion, leaving various other religions within society constitutionally unrecognised. Many philosophers believe that this is problematic *even when* such recognition is (almost) wholly symbolic. The four most common and *prima facie* plausible objections to what I call ‘mono-recognition’ are that it alienates citizens who do not adhere to the constitutionally recognised religion; that it symbolically subordinates these individuals; that it reinforces oppressive social hierarchies; and that it violates principles of justificatory neutrality. This article shows that none of these objections establish that mono-recognition is wrong within contemporary societies—or even merely *pro tanto* wrong. However, it goes on to propose a novel argument that does suggest that this type of religious establishment is *pro tanto* wrong within most societies, if not all. According to this argument, which I refer to as the ‘desire-based objection’, mono-recognition is *pro tanto* wrong when it fails to accommodate at least some citizens (a) who desire constitutional recognition of their unrecognised religion on morally reasonable, or simply not unreasonable, grounds or who would do so if they were to independently ponder the possibility of receiving such recognition without having to fear any social backlash that receiving it might cause and (b) whose religion is entitled to constitutional recognition based on the size of its population within society; the societal contributions of its members; and any injustices that its members have suffered at the hands of the state or the wider society. As I show, even when one particular religion has the strongest claim to constitutional recognition, this does not normally justify granting sole recognition to it given that the weaker claims of other religions could be accommodated under a system whereby state religions are rotated and recognised for different durations depending on the strength of their claims.

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## Introduction

A recent report by the Pew Research Center (2017) has found that over 20% of countries recognise a specific religion within their constitution. For example, section 4 of the Danish constitution states that ‘the Evangelical-Lutheran Church is the Danish People’s Church’; article 2 of the Afghan constitution that ‘The sacred religion of Islam is the religion of the Islamic Republic of Afghanistan’; and article 43 of the Cambodian constitution that ‘Buddhism shall be the State religion’.

In this article, my aim is to consider whether constitutional recognition of a single religion or what I term ‘mono-recognition’ can be morally justified. In so doing, I make three assumptions. The first one is that any special rights and privileges that states confer upon constitutionally recognised religions are wholly symbolic, or almost wholly symbolic. One thing this means is that citizens who do not adhere to the constitutionally recognised religion must enjoy all the basic rights and liberties that adherents of the recognised religion enjoy. Failing to provide them with these rights and liberties would mean that some citizens are denied the essentials for living free and equal lives, which is unacceptable as it fails to respect their moral status. Another thing it means is that states are permitted to make only minor expenses in order to express and communicate the established status of the constitutionally recognised religion, which may involve letting its leaders play a ceremonial role in state events (think of parliamentary inaugurations and state funerals); teaching children about its established status in school and immigrants during civic integration classes; and displaying its symbols within public spaces and buildings in the same way that a Christian crucifix is displayed within Quebec’s National Assembly. Since channelling larger amounts of public resources to constitutionally recognised religions is not necessary for having a state religion and raises concerns from the perspective of socio-economic distributive justice, focusing on forms of mono-recognition that are (almost) wholly symbolic allows us to determine what, if anything, is morally wrong with mono-recognition as such, as opposed to more demanding and controversial versions thereof.

The second assumption is that any religions that are constitutionally recognised are compatible with liberal-democratic politico-legal institutions as I take moderate denominations of e.g. Christianity, Islam, and Judaism to be. By this I mean that the relevant religions respect principles and rights that are central to the functioning of liberal democracies, such as the rule of law; civic equality; freedoms of conscience, speech, and association; rights to private property, and rights to political participation. For states to constitutionally recognise religions that do *not* satisfy this criterion, such as those of Wahhabis, seems

objectionable for several reasons, including the fact that it risks emboldening individuals with extremist views (cf. Waldron, 2014) and that it might, in some cases, even undermine the stability of liberal-democratic politico-legal institutions or hinder their establishment.

The third assumption is that states do not impose special legal requirements upon the ways in which constitutionally recognised religions conduct their internal affairs. For example, they may not force the Catholic Church to accept female priests or to recognise same-sex marriage within the Church. Neither may they make changes to internal laws conditional upon parliamentary approval, which is a requirement to which the Church of England is subject (Sandberg, 2011: 63). Since forms of mono-recognition that constrain the autonomy of constitutionally recognised religions in these ways—and thereby the freedom of their members to decide the terms of their association—are more controversial than forms that do not, the current scope restriction also helps to achieve this article's aim of considering whether mono-recognition as such can be morally justified as opposed to specific, more controversial, versions thereof.

In what follows, I start by showing the limitations of the four most common and *prima facie* plausible objections to mono-recognition that have been raised within the scholarly literature. These are that this type of religious establishment<sup>1</sup> alienates citizens who do not adhere to the constitutionally recognised religion; that it symbolically subordinates these individuals; that it reinforces oppressive social hierarchies; and that it violates principles of justificatory neutrality. My contention will be that none of these objections establish that mono-recognition is wrong within contemporary societies or even merely *pro tanto* wrong (by '*pro tanto* wrong', I mean that there are moral reasons against mono-recognition that are not necessarily decisive, i.e. that could potentially be overridden by countervailing moral considerations). However, I go on to propose a novel argument that does suggest that such recognition is *pro tanto* wrong within most societies if not all. According to this argument, which I refer to as the 'desire-based objection', mono-recognition is *pro tanto* wrong when it fails to accommodate at least some citizens (a) who desire constitutional recognition of their unrecognised religion on morally reasonable or simply not unreasonable grounds or who would do so if they were to independently reflect upon the possibility of receiving such recognition without having to fear any social backlash that receiving it might cause, and (b) whose religion is entitled to constitutional recognition based on the size of its population within society; the societal contributions of its members; and any injustices that its members have suffered at the hands of the state or the wider society and, in some cases, continue to suffer. As I show, even when one particular religion has the strongest claim to constitutional recognition, this does not normally justify granting sole recognition to it given that the weaker claims of other religions could be accommodated under a system whereby state religions are rotated and recognised for different durations depending on the strength of their claims.

## Four existing arguments against mono-recognition

### *Alienation*

Let us begin then by looking at the problems with the four most common and *prima facie* plausible objections to mono-recognition. The first of these objections maintains that mono-recognition is wrong because it *alienates* citizens whose religion is not constitutionally recognised. An expression of this view can be found in the work of Daniel Brudney (2005: 819) who faults mono-recognition for making some citizens feel ‘not a full member of the political community’, which he believes is bad because it constitutes a form of ‘psychic harm’.

The main problem with the alienation-objection, I believe, is that those who are alienated under mono-recognition might *lack good reasons* for experiencing alienation. Consider the alienation that many white South Africans experienced when Apartheid was abolished during the 1990s (Simpson, 2005). No matter how deep their estrangement was, it is difficult to see how it could have rendered the abolishment of this system or racial segregation even *pro tanto* problematic. Similarly, no matter how deeply chauvinistic men might be alienated by their company’s decision to hire a female CEO, the fact that they lack reasons for being alienated by a female boss and actually have strong reasons *not* to feel thus makes it plausible to think that their estrangement lacks normative weight.

To avoid confusion, I am not claiming that the alienation that citizens with constitutionally unrecognised religions might experience under mono-recognition is necessarily devoid of moral significance. What I am suggesting is simply that, *even if* mono-recognition is morally problematic, and *even if* the alienation that citizens might experience under such recognition helps to ground its (*pro tanto*) wrongfulness, the existence of these feelings cannot *show* that it is morally problematic, i.e. justify the belief that it is.<sup>2</sup> Given that individuals may be alienated without good reason, and given that ill-supported alienation seems to lack normative weight, more needs to be done in order to demonstrate that the alienation that a proportion of citizens might experience under mono-recognition renders this type of religious establishment morally problematic. This becomes especially clear when a system of mono-recognition already exists, as focusing on alienation does not tell us in such cases why the fact that *disestablishment* might alienate adherents of the constitutionally recognised religion is not a decisive reason against it (cf. Bonotti, 2012), at least when their expected alienation is more widespread, frequent, and/or intense than any alienation that their co-nationals are experiencing under the current system of mono-recognition.

### *Symbolic subordination*

Another influential objection to mono-recognition says that such recognition *symbolically subordinates* citizens who do not adhere to the constitutionally recognised religion. This view has been espoused most famously by Justice Sandra Day

O'Connor. Discussing the US Constitution's ban on religious establishment, O'Connor notes that the problem with the state endorsing a particular religion is that it 'sends a message to non-adherents that they are outsiders, not full members of the political community' (*Lynch v. Donnelly* 1984; for scholarly defences of this view, see e.g. Margalit, 1998, 158–59; Nussbaum, 2011).

As Sune Lægaard has pointed out, the difficulty with this objection is that it does not explain why the fact that some specific religion is recognised by the state should say anything about the moral status of citizens who do not adhere to the recognised religion. Regarding the section of the Danish constitution that declares 'the Evangelical-Lutheran Church to be the Danish People's Church', he observes that:

[F]or a charge of symbolic inequality to apply, one must interpret the declaration about the special status of the Lutheran Church as implying that individual Lutherans also have a special status and that this is a higher status than that of other citizens. While the paragraph clearly expresses a certain kind of preference for the Lutheran Church above other churches (...) this does not directly imply anything about the status of individual citizens. (Lægaard, 2017: 127).

I think that this is correct; only if people could be equated with their respective religion would it follow that mono-recognition necessarily treats some citizens as more valued members of society than others. But such equations seem ill-founded when we consider that, for a significant proportion of individuals, their religion plays only a minor role in their life apart from the fact that even the most devout believers might come to abandon their religion over time, as some do.

### ***Social subordination***

Still another objection to mono-recognition has been advanced by Cécile Laborde who argues that such recognition is wrong when and because 'it perpetuates social relations of hierarchy, subordination, and domination' (Laborde, 2017: 136). According to Laborde, this happens when the type of identity that is constitutionally recognised is a 'marker of vulnerability and domination' (2017: 137). As David Miller (2019) has summarised her view, what this means is that 'the state should not endorse the religious identity to which the vulnerable identity is counterposed—e.g., should not symbolically endorse Christianity in circumstances in which being a Jew or a Muslim is a marker of vulnerability'. Whilst Laborde concedes that there are countries such as Senegal and Madagascar where religious identities are not socially divisive and where the oppressive potential of mono-recognition is therefore limited (Laborde, 2017: 142), she goes on to suggest that such recognition is aggravating social subordination within Israel, India, Egypt and various European countries (2017: 140), as well as that the same is likely to occur in the United States if mono-recognition were introduced in this country

(2017: 137). Let us call this the ‘social subordination objection’ in order to distinguish it from the previously discussed ‘symbolic subordination objection’.

Whereas it remains somewhat unclear how common Laborde thinks it is for mono-recognition to reinforce oppressive social hierarchies, it should be noted that, insofar as it has a tendency to do so, this would be a weighty objection against this type of religious establishment. For whatever else a decent human life requires, freedom from social subordination will be a major part of it as evinced by the daily hardship suffered by e.g. Palestinian Muslims in Israel and by Jews in various countries where antisemitism is rife. The problem with the current objection is not, then, that it fails to identify a serious harm, but rather that there is currently no evidence that (largely) symbolic mono-recognition has a tendency to consolidate social subordination (cf. Miller, 2019). In fact, there is some reason for believing that such tendencies do *not* exist; in a large cross-national study, Perez et al. (2017) found no evidence that religious establishment in either democratic countries or non-democratic countries undermines the trust that minorities with non-established religions have in the state or in specific state institutions such as the police force. Even if these findings do not conclusively show that mono-recognition lacks subordination-reinforcing tendencies, it would be surprising if such tendencies existed *without corroding* the trust that religious minorities have in the state and its institutions.

### *Violations of justificatory neutrality*

A fourth argument against mono-recognition maintains that such recognition violates principles of justificatory neutrality. There are two main theories of justificatory neutrality. On public reason accounts, a policy is neutrality justified if, and only if, it is supported by widely shareable or what are commonly referred to as ‘public reasons’ (for defences of this view, see e.g. Lister, 2013; Quong, 2010). For this to be the case, the relevant policy must promote goods—e.g. a clean environment, economic prosperity, peace and stability—that minimally rational citizens who are not influenced by anti-liberal-democratic views can recognise as important *regardless* of their specific comprehensive doctrine, i.e. irrespective of whether they are Jews, Muslims, Christians, Atheists, Humanists, Confucianists, and so on. On so-called convergence accounts, in contrast, a policy is neutrally justified if, and only if, all minimally rational citizens who are not influenced by anti-liberal-democratic views—or at least not by views that are incompatible with the most fundamental liberal-democratic principles, such as respect for the rule of law, majoritarian decision-making, and civil liberties<sup>3</sup>—can accept the policy based on their *full set of reasons*, which may include reasons that are non-public in that they derive from idiosyncratic or otherwise sectarian beliefs, such as religious convictions (for defences of this view, see e.g. Billingham, 2016; Gaus, 2010; Vallier, 2014).

Now, insofar as the constitutional recognition of a specific religion is justified by reference to the belief that the religion in question is the *true* and/or *intrinsically*

*valuable*, it is clear that, on both theories of justificatory neutrality, mono-recognition will be non-neutral. This is because the truth credentials and non-instrumental value of any given religion are heavily contested within contemporary societies (cf. Patten, 2014: 113; Seglow, 2017). What is pertinent for us is that appealing to the truth and/or intrinsic value of particular religions is not the *only* way in which mono-recognition might be defended. Based on a survey of the empirical literature, political scientist Eric Kaufmann (2018) has recently shown that right-wing populism and extremism within Western countries is driven, first and foremost, by fears among white majorities about cultural and demographical decline as opposed to economic considerations. Given that, even within largely secular societies, the presence of the majority religion is often valued on cultural grounds, this provides some reason for thinking that constitutionally recognising majority religions might sometimes help to *curb hostility* against minorities by making members of the majority more secure in their cultural identity. Since preventing and reducing such hostility is a good that minimally rational and minimally moral individuals with a wide variety of religions and secular comprehensive doctrines can recognise as important, this suggests a possible neutral justification of mono-recognition. Alternatively, as Laborde (2013: 85) discusses, cases might arise where constitutionally recognising majority religions simply strengthens their adherents' civic identification. To the extent that this is the case and such heightened identification translates into a greater willingness to show solidarity to other citizens (as it does in some countries; in Canada, for instance, civic identification has been found to significantly increase support for universal public health care),<sup>4</sup> this suggests another way in which mono-recognition may be neutrally justified within certain contexts.

What follows from these observations, I think, is that we should take seriously the possibility that mono-recognition can sometimes be neutrally justified and that the scope of justificatory neutrality-objections to this type of religious establishment is therefore limited. However, even in cases where mono-recognition *cannot* be neutrally justified – and some may believe that I have overstated how easy it is for such recognition to become neutrally justified – this will be problematic *only if* one accepts one of the theories of justificatory neutrality that have been proposed. Whilst such theories can count on support among many contemporary philosophers (e.g. Billingham, 2016; Gaus, 2010; Lister, 2013; Quong, 2010; Rawls, 2005; Vallier, 2014), it bears mentioning that they are far from uncontroversial. Whereas a discussion of the various objections that have been raised against them is beyond this article's scope, let me mention two important ones.

One derives from the fact that theories of justificatory neutrality are rejected by some liberal-democrats who are not just minimally rational but some of the most sophisticated thinkers on the topic of public justification (e.g. Arneson, 2003; Chan, 2000; Enoch, 2015; Wall, 2002, 2014). Insofar as these theories must be based on principles that can themselves be neutrally justified, then the fact that these philosophers cannot accept their underlying principles suggests that theories

of justificatory neutrality are self-defeating as they fail their own standards of justification (Wall, 2002).

The other objection challenges one of the assumptions upon which theories of justificatory neutrality are predicated. According to this assumption, for states to act in ways that cannot be neutrally justified is disrespectful towards (minimally rational and morally reasonable) citizens who cannot see these actions as being justified *even when* they promote justice according to a comprehensive conception of what justice requires, which may be understood as a set of normative principles that would be adopted in a society in which all citizens were perfectly rational, knowledgeable, and morally motivated (Larmore, 1999; Nussbaum, 2011). The difficulty here is that it is unclear why the *mere fact* that some citizens cannot appreciate the force of the reasons that support the relevant actions would render it disrespectful for states to engage in them. To bring this out, one might notice that there are many state policies that do not seem to be disrespectful even though some citizens cannot appreciate the force of the reasons that support them, including bans on assault rifles; prohibitions on sex between adults and minors; and laws that seek to reduce CO<sup>2</sup> emissions. Indeed, not only must defenders of justificatory neutrality explain why these policies are not disrespectful, or at least not disrespectful enough to render them unjustified, they must also answer authors who have argued that *refraining* from enacting justice-promoting policies on grounds that they cannot be neutrally justified is disrespectful towards citizens because it fails to treat them as rational or reason-responsive agents, i.e. as beings who are not stuck with their beliefs but who can come to assess and revise their beliefs in response to the reasons for having them (Arneson, 2003; Wall, 2014).

## The desire-based objection to Mono-recognition

The previous section has argued that existing arguments against mono-recognition fail to show in any obvious way that such recognition is wrong within contemporary societies or even merely *pro tanto* wrong. (To reiterate, '*pro tanto* wrong' means that there are moral reasons against mono-recognition that are not necessarily decisive, i.e. that could potentially be overridden by countervailing moral considerations.) Whilst the alienation objection and symbolic subordination objection were found to be incomplete, the social subordination objection was found to be empirically ill-supported. As far as the non-neutrality charge is concerned, I suggested that there are grounds for thinking that mono-recognition can be neutrally justified within certain contexts, before adding that even when it cannot, this will only count against it when we buy into controversial philosophical theories.

The aim of the current section is to propose a novel argument against mono-recognition that does show in a fairly straightforward manner, I think, that such recognition is *pro tanto* wrong within most societies, if not all. The premises of this argument, which I refer to as the 'desire-based objection', might be formulated as follows:

1. Granting sole constitutional recognition to a particular religion is *pro tanto* wrong when this fails to accommodate citizens
  - a. who desire constitutional recognition of their unrecognised religion on morally reasonable or simply not unreasonable grounds or who would do so if they were to independently reflect upon the possibility of receiving such recognition without having to fear any social backlash that receiving it might cause; and
  - b. whose religion is entitled to constitutional recognition based on the size of its population within society; the societal contributions of its members; and any injustices that its members have suffered at the hands of the state or the wider society and possibly continue to suffer.
2. In most societies, mono-recognition satisfies (1) or would satisfy (1) if mono-recognition were introduced.

Therefore,

3. In most societies, mono-recognition either is *pro tanto* wrong or would be *pro tanto* wrong if it were introduced.

### *Desires for recognition*

Let me start by vindicating premise 1. Against this premise, some might argue that which religions are constitutionally recognised can be a matter of justice *only insofar* as such recognition has objective or inherent value (I use these terms interchangeably). Unless this is the case, it might be thought that citizens cannot reasonably complain that the religions of co-nationals are constitutionally recognised but not those of their own given that the former would be awarded with something that has no value in and of itself. (Of course, they might still have valid complaints when such recognition comes with various tangible benefits, such as subsidies and special legal rights; yet as I have mentioned in the introduction, I am concerned here with cases where the recognition that is granted is wholly symbolic.)

I will not try to settle here whether having one's religion constitutionally recognised is objective or inherently valuable. Suffice it to say that, to the extent that it is, it appears to have significantly less objective value than other goods have that are usually understood to fall within the scope of justice, such as basic liberties and socio-economic goods. Whereas it is difficult to see how one could live a minimally decent and free life without, say, freedoms of speech and association or without the means of subsistence, to maintain that the existence of an established church is preventing citizens of e.g. Norway, Denmark, and Iceland who do not adhere to the established faith from living minimally decent and free lives seems a stretch in light of these countries' extensive liberties and welfare provisions. Indeed, there seems to be nothing obviously irrational about someone who does not attach *any* importance to her religion being constitutionally recognised even when other religions within society *do* receive such recognition.

What I wish to suggest, then, is that *even if* it is not objectively or inherently valuable to have one's religion constitutionally recognised, the question of which religions are recognised can still be a matter of justice based on who desires such recognition and on what grounds. Though the notion that desires can have such normative power might seem odd initially, we can easily think of analogous cases where they have similar effects. Consider a family with young triplets who always go on holiday by car. Each holiday, the children Adam, Bernhard, and Chris fight over who gets to sit in the middle seat. Suppose that there is nothing objectively or inherently valuable about sitting in the middle. In fact, as the middle seat offers less space and has no door to lean against, the objective value of sitting there is lower than that of sitting in one of the two side-seats (suppose *arguendo* that none of the children becomes car sick, which is sometimes a reason for people to sit in the middle as looking through the front window helps them to cope with their nausea). Nonetheless, insofar as the parents only ever let, say, Chris take the middle seat, it looks like Adam and Bernhard are owed a justification for this unless it is known to the parents that Adam and Bernhard but not Chris have morally unreasonable motives for wanting to sit there (e.g. whilst Chris may simply enjoy occupying the middle seat, Adam and Bernhard might simply not want Chris's car-seat preferences to be fulfilled out of spite). In order to see this, it should be noted that parents have a moral duty to show equal moral concern to their children, which requires, among other things, that they be equally responsive to their children's preferences *unless* there are decisive reasons for satisfying their children's preferences to unequal degrees. Likewise, even if there is nothing inherently valuable about having one's religion constitutionally recognised, when a state recognises the religion of some citizens but not those of other citizens and at least some of the latter want their religion to be constitutionally recognised on morally reasonable or simply not unreasonable grounds then, *unless* such unequal treatment can be justified, the state is violating citizens' equal status by being unequally responsive to their preferences.

At this point, we need to consider what 'morally reasonable grounds or simply not unreasonable grounds for desiring constitutional recognition of one's religion' consist of or might consist of. The first thing to notice is that the phrase 'morally reasonable or simply not unreasonable' is meant to leave open whether reasonableness is a binary notion (in which cases desires that are not reasonable must be unreasonable by definition) or a ternary notion (in which case desires can be reasonable, unreasonable, or neither reasonable nor unreasonable). What is important for our purposes is just that, unlike the motives of those who desire constitutional recognition because they feel morally superior to members of other religions or because they simply do not want members of a specific (liberal-democracy-compatible) religion to be constitutionally recognised, there are certain motives for wanting one's religion to be constitutionally recognised that do not seem unreasonable and that seem to carry normative weight as a result. One might think of the fact that people may value such recognition as an acknowledgement of the societal contributions of their religion's members, as well as of the fact that it may help them to feel equal citizens and/or to come to terms with any

disproportional injustice that members of their religion have suffered at the hands of the state.

### *Entitlements to recognition*

Now, it might appear that in most societies, granting constitutional recognition to one religion but not to others can be morally vindicated. To see this, it should be noted that there is usually a single religion that is both the largest religion in society and the one whose members have made the greatest societal contributions (think, for instance, of the Lutheran Church in Denmark and Norway). Since these features seem relevant in determining the strength of a religion's claim to constitutional recognition (all other things being equal, it looks like a religion with, say, two million members has stronger claims to constitutional recognition than a religion with only two hundred members, just as a long-standing religion whose members have heavily shaped the society's cultural, economic, and political landscapes seems to have stronger claims to constitutional recognition than a religion of recent immigrants who have collectively made much smaller contributions in these areas), some may conclude that mono-recognition can generally be justified.

One immediate response is that exclusively recognising the religion with the strongest claim to constitutional recognition is unfair as it ignores the claims that other religions have. On this view, doing so would treat religions with weaker claims as if the number of their adherents within society and their adherents' societal contributions did not matter. Even when there are other ways in which states could, and perhaps ought to, symbolically recognise these religions,<sup>5</sup> for example by designating some of their holidays as public holidays, the fact that constitutional recognition carries much symbolic weight for many individuals suggests that we should not readily assume that such alternatives forms of recognition are an acceptable substitute.

One possible solution here would be to have a system of multi-faith establishment or plural-recognition whereby multiple religions are constitutionally recognised simultaneously. However, this also seems problematic given that the religion within the strongest claim to constitutional recognition would receive the *same amount* of recognition as religions that are much smaller and whose adherents will often have contributed not nearly as much to society. In Denmark and Norway, for instance, it would mean that small religions such as Islam and Buddhism whose adherents came to these countries relatively recently would be recognised on a par with Lutheranism.

To avoid the twin problems of giving religions with strong claims too little and those with weak claims too much, it might be argued that states should conduct a weighted lottery that decides which religion becomes the sole state religion whereby each religion's chances of winning are determined by the strength of its claim to constitutional recognition. For example, in Denmark, Lutherans might be given a 75% chance of winning, Muslims a 5% chance, and Buddhists a 1% chance. Yet whilst this would do justice to differences in the strength of claims to constitutional recognition, such an approach runs into serious problems as well. Apart

from the potential for fraud and the difficulties of demonstrating to the public that a lottery has been fairly conducted, the fact that religions with weak claims to being solely constitutionally recognised (e.g. Islam and Buddhism in Denmark) might become the sole state religion nonetheless seems a major reason against it.

What I want to suggest, then, is that there is a better alternative, one that I have defended in more detail elsewhere,<sup>6</sup> namely to have a system of plural recognition whereby state religions are *rotated*. Such a diachronic system can do justice to differences in claim-strengths by constitutionally recognising religions for different periods. In the UK, for instance, the Anglican Church could be constitutionally recognised for five months of the year, Catholicism for two months, Islam for one month, Hinduism for two weeks, and so on. To be sure, in order for such recognition to be meaningful, there are limits to how short it can be; e.g. being constitutionally recognised for a mere hour, let alone a minute, would clearly be too short. What is apposite for us is that, in most societies, there appear to be at least two religions with strong enough claims to be entitled to a meaningful amount of recognition-time insofar as the state offers constitutional recognition to any religion. To see this, it should be noted that, for a religion to be entitled to one day of constitutional recognition per year based purely on the size of its population—which seems a meaningful amount of time given that it is the same unit that is successfully used for birthdays, various holidays, and commemorative days such as Martin Luther King Day—it needs to comprise a mere 0,27% of the population when all citizens belong to some religion and even less if a proportion of citizens does not. Since the large majority of countries have religious minorities who well exceed this figure (Pew Research Center, 2012) and since most of these groups have been present within society for decades if not centuries during which their members have typically made important societal contributions,<sup>7</sup> cases where mono-recognition is justified *simply because* there are no other religions that are entitled to a meaningful amount of recognition-time seem to be rare.

This is so especially when we take into account a third and final relevant variable, namely any *injustices* that a religion's members have suffered at the hands of the state or the wider society and sometimes continue to suffer. In some cases, the state or specific groups within society may have wrongfully reduced a religion's population size (e.g. by having organised a pogrom against its members or by having participated in one), which also reduces the overall societal contributions that its members are able to make. Yet even when this is not the case, widespread discrimination against its members may still have hindered, and, in some cases, continue to hinder, such contributions. Under these conditions, letting the amount of recognition-time that is granted to a religion be wholly determined by its population size and societal contributions appears unfair given that if its members had been treated more justly by the state and/or the wider society, the religion in question would have scored higher along these dimensions. Since it is usually religious minorities who have suffered disproportional amounts of injustice within society, this provides further grounds for thinking that cases where

mono-recognition is justified *simply because* there are no other religions that are entitled to a meaningful amount of recognition-time are rare—if they exist at all.

Before moving on, I should emphasise that I am not claiming here that states ought to introduce diachronic plural recognition as opposed to having a system whereby no religion is constitutionally recognised, or even merely that they have *pro tanto* reasons for introducing diachronic plural recognition. All that I am arguing for the purposes of this article is the following: That mono-recognition is *pro tanto* wrong in most multi-religious societies or would be *pro tanto* wrong if it were introduced because, all other things being equal, diachronic plural recognition tends to be morally superior to this type of religious establishment by treating citizens more fairly. One might draw a comparison here with the practice of giving pocket money to children. In order to show that it is *pro tanto* wrong for a parent to give pocket money to only one of her triplets, one does not need to show that parents ought to give pocket money to all their children. All that needs to be shown is that for the parent to give pocket money to all of her triplets is fairer and therefore morally superior to giving pocket money to just one of her children. Likewise, my criticism of mono-recognition does not require me to show that diachronic plural recognition is morally superior to non-recognition as long as I am able to demonstrate that, in general, it is morally superior to mono-recognition on account of being fairer.

### *Counterfactual desires for recognition*

The previous subsection has argued that, even if constitutional recognition of specific religions is not objectively or inherently valuable, mono-recognition remains *pro tanto* wrong when it fails to accommodate citizens who desire constitutional recognition of their unrecognised religion on morally reasonable—or simply not unreasonable—grounds and whose religion has strong enough claims to be entitled to a meaningful amount of recognition-time. What I want to suggest in this subsection is that the same is true when unrecognised recognition-entitled religions have adherents who do not actually desire constitutional recognition of their religion but who *would do so* if they were to independently ponder the possibility of having their religion constitutionally recognised without having to fear any social backlash that receiving such recognition might cause.

To see the need for this counterfactual condition, notice that rejecting it would mean that mono-recognition could be justified in some cases because members of unrecognised religions have never contemplated a scenario in which their religion is constitutionally recognised. The problem with this is that it is difficult to believe that for people to have never thought about such a scenario—perhaps because the current state religion has been the sole recipient of constitutional recognition for decades if not centuries, which may have created the impression that its mono-recognition is a natural state of affairs—could make such a normative difference when some of these individuals *would want* constitutional recognition if they were to ponder a world in which their religion is constitutionally recognised.

What if those with unrecognised religions did contemplate such a world but simply do not desire constitutional recognition? As indicated by premise 1, I believe that this is still not enough to render mono-recognition justified. One condition under which this type of religious establishment continues to require justification is when the citizens in question have internalised *subordinating norms* that make them feel unworthy of having their religion constitutionally recognised. In such cases, the fact that they do not desire constitutional recognition lacks moral authority as it is based on morally unreasonable beliefs according to which they are second-class citizens. Another condition under which mono-recognition continues to require justification is when the citizens in question have (unconsciously) adapted their preferences to the small probability that their religion will ever be constitutionally recognised. The analogy here would be with Aesop's fox who sees a bunch of tasty-looking grapes but upon realising that it cannot reach the grapes convinces itself that it does not want them because they are 'sour anyways'.<sup>8</sup> In such cases, the fact that people do not want their religion to be constitutionally recognised lacks moral authority too as it stems from a want of meaningful options rather than from an independent judgement about the value of such recognition.

A final condition under which mono-recognition continues to require justification is when the adherents of unrecognised religions do not desire constitutional recognition for fear that receiving it will spark a *social backlash*, which may be defined as a situation where they or others are harassed or subjected to violence as a result of their religion being constitutionally recognised. For example, in a country where Buddhism is the sole state religion, Buddhists might threaten to assault Muslims if Islam became a constitutionally recognised religion. Even when citizens do not want constitutional recognition of their religion because of such threats, it is hard to see how this could render mono-recognition morally unproblematic. (Which, of course, does not preclude the possibility that when the risk of a social backlash is real, this might justify the existing system of mono-recognition on pragmatic grounds; what I am claiming is simply that when the *reason why* citizens do not desire constitutional recognition of their religion is that they fear that such recognition will generate a social backlash, this can never render the existing system of mono-recognition morally unproblematic and, correspondingly, absolve the need to justify it.)

### *The prevalence of (counterfactual) desires for recognition*

Let us turn then to premise 2. As may be recalled, this premise states that, within most societies, mono-recognition is likely to fail to accommodate at least some citizens (a) who want their unrecognised religion to be constitutionally recognised on morally reasonable or simply not unreasonable grounds or who would do so if they were to independently ponder the possibility of receiving such recognition without having to fear any social backlash that receiving it might cause and (b) whose religion is entitled to constitutional recognition. As far as (b) is concerned, I have already suggested in the penultimate subsection that, in most cases

where states grant constitutional recognition to a single religion, usually the majority religion, other religions are entitled to a meaningful amount of recognition-time as well. What I want to suggest here is that these religions are likely to have at least *some adherents* who either want their religion to be constitutionally recognised on morally reasonable or simply not unreasonable grounds or who would do so if they were to independently reflect upon the possibility of receiving such recognition without having to fear any social backlash that receiving it might cause (a).

In support of this claim, one might notice how, when religious minorities seek rights and privileges that other religious groups in society already hold, their members often do not simply care about the substantive benefits involved, as important as these may be. They also care in many cases about the *symbolic dimensions* of receiving said benefits. For example, when the German city-state of Bremen decided to recognise Islamic organisations as religious bodies in 2013, a status already enjoyed by Christian and Jewish organisations, local Muslims did not simply welcome this because it allowed them take days off on Islamic holidays; to bury their dead according to their own religious precepts (i.e. without a coffin); and so on. In the words of Erol Pürlü, a spokesperson for the German Muslim Coordination Council, the recognition was also welcomed because it ‘sends a clear signal that Islam belongs to Germany’ (Welle, 2013). Indeed, for people to care about state recognition, there need not always be *any* tangible benefits involved. One might consider in this context the campaign for state recognition of the Rhaeto-Romansh language that took place in Switzerland during the 1930s. As the leaders of this campaign were at pains to make clear, they did not want governmental organisations to deliver services in Rhaeto-Romansh or even merely to have laws translated into this small language; what they were after was simply for Rhaeto-Romansh to have the status of a national language alongside German, French, and Italian (Lechmann, 2004: 506). Likewise, although British same-sex couples with civil partnerships virtually had all the same legal entitlements as married heterosexual couples before same-sex marriages were legalised in 2013, being able to marry remained important to many because of the symbolism.

When we consider the symbolic significance that is commonly attached to state recognition, along with the fact that people in various countries are becoming increasingly attuned to what they perceive as the unfair privileges of certain identities (e.g. those of white people, males, heterosexuals, Christians), then even in the absence of survey data on this topic, we have strong reason to suspect that, within societies with mono-recognition, there are likely to be citizens who either want the state to constitutionally recognise their unrecognised religion on morally reasonable or simply not unreasonable grounds (e.g. because it helps them to feel part of society) or who would do so if they were to independently ponder the possibility of receiving such recognition without having to fear any social backlash that receiving it might cause. This is so especially when we notice that, for many individuals, the option of having their religion constitutionally recognised *together with* the current state religion and possible other religions, whether synchronically or through a system of diachronic alternation, does not appear to be on their radar as there are no contemporary examples

of this. Since such plural-recognition can avoid (permanently) depriving the current state religion of its established status as well as grant constitutional recognition to various unrecognised religions, it is likely to appeal to at least some adherents of unrecognised religions who regard mono-recognition as inherently unfair but who are not necessarily opposed to religious establishment.

## Concluding remarks

It is sometimes suggested that *unless* it can be shown that existing systems of largely symbolic mono-recognition are morally problematic, we should assume them to be justified. On this view, even if states need to justify decisions to *start constitutionally recognising a particular religion* (neo-establishment), no such justification is needed for maintaining a largely symbolic form of mono-recognition. To the extent that this is correct, this article has shifted the onus of justification. After showing that the four most common and *prima facie* plausible objections to mono-recognition fail to demonstrate that mono-recognition is unjustified or even merely *pro tanto* wrong, I proposed a novel objection that does show that this type of religious establishment is *pro tanto* wrong within most societies, if not all. According to this objection, the reason why constitutionally recognising a single religion tends to be morally problematic is that it usually fails to accommodate at least some citizens (a) who desire constitutional recognition of their unrecognised religion on morally reasonable or simply not unreasonable grounds or who would do so if they were to independently ponder the possibility of receiving such recognition without having to fear any social backlash that receiving it might cause and (b) whose religion is entitled to constitutional recognition based on the size of its population within society; the societal contributions of its members; and any injustices that its members have suffered at the hands of the state or the wider society and possibly continue to suffer.

I want to end with a few comments. The first is that my desire-based objection to mono-recognition does not rule out that mono-recognition might also be problematic because it denies something to citizens with unrecognised religions that is objectively or inherently valuable. However, since the question of whether constitutional recognition of specific religions has such value—and, if so, how much—is a notoriously difficult one, the fact that the proposed objection does not commit one to a view on it is a significant advantage.

The second comment is that, besides explaining why mono-recognition is *pro tanto* wrong within most societies or would be *pro tanto* wrong if it were introduced, this article's findings suggest a criterion for determining how *high* the justificatory bar for this type of religious establishment is. All other things being equal, the greater the number of citizens with unrecognised, recognition-entitled religions who desire constitutional recognition of their religion on morally reasonable or simply not unreasonable grounds or who would do so if they were to independently ponder the possibility of receiving such recognition without having to fear any social backlash that receiving it might cause, the more

problematic mono-recognition is, assuming that the frustrated (counterfactual) desires of each of these individuals count morally.

The third and final comment is that, in order to accept the desire-based objection to mono-recognition, one does not need to endorse the model of diachronic plural recognition that I have outlined. As was mentioned, all that one needs to accept is that, *ceteris paribus*, this type of religious establishment tends to be *morally superior* to mono-recognition by treating citizens more fairly, which is what I hope to have shown here.

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### Notes

1. The other main type of religious establishment involves the state constitutionally recognising *multiple religions*, which one might call ‘plural recognition’ or, as it is more commonly referred to, ‘multi-faith establishment’.
2. For more on the distinction between grounding and justifying, see Sangiovanni (2016).
3. The justificatory constituency on convergence accounts tends to be broader than that on public reason accounts as convergentists generally accept less stringent moral requirements for inclusion within this constituency (e.g. Gaus, 2010; Vallier, 2014). For example, many do not require individuals to support a welfare state, which has the effect that they end up defending more minimalist states than proponents of public reason accounts.
4. See Johnston et al. (2010).
5. I am indebted to an anonymous reviewer for raising this point.
6. See De Vries (2020).
7. Even when any negative contributions that they have made ought to be taken into account as well, it is doubtful whether religious minorities will have usually done significantly more harm than religious majorities.
8. Compare Elster (1985).

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