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Majoritarian Religion, Cultural Justification and Non-religion: Finland in the International Context

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Abstract

This article considers the turn to culture and heritage as a strategy for the preservation of majoritarian religious practices, including the implications of such a strategy for nonreligious people. This turn has been observed in analyses of court cases in which the religious or cultural nature of symbols and practices has been negotiated. Drawing from previous scholarship regarding the turn, this article pays special attention to Finland by examining if and how cultural justification of symbols and practices takes place. We suggest that the shift to culture applies to Finland, although in international comparison Finnish instances are more prominent in public (media) discourses that refer to laws and legal experts than in court cases. We also argue that one of the consequences of this international development is that it becomes increasingly difficult for nonreligious people to feel part of ‘us’ in a situation where justification by referring to ‘our culture and heritage’ is one of the strategies to define who and what belongs to ‘us’.

Keywords: culturalization, Finland, law, nonreligion, religious freedom

When the Supreme Court of Canada released its decision in the *Sagueneay* case in 2015, cities and towns across the country vowed to keep saying prayers at the beginning of their municipal council meetings. It was, said many mayors, a matter of ‘our heritage and culture’. The case had been brought by a self-identified atheist, Alain Simoneau, who challenged the presence of a crucifix and a sacred heart statue in the council meeting room, as well as the practice of the recitation of a prayer at the beginning of the

public meeting. The arguments in the case had many similarities to those made in the *Lautsi* case, heard by the Grand Chamber of the European Court of Human Rights, which involved a legal complaint by an atheist parent in Italy about the crucifix hanging on the walls of her children's classroom.¹ The crucifix was defended as being integral to Italy's heritage and culture. In France, pork became the focus of attention when school cafeterias began to eliminate pork alternatives for students.² One aspect of the public discourse was that pork was part of French tradition and culture (Birnbaum 2013).³ In 2019 a 40-foot-tall cross located on public land in Bladensburg, Maryland was protected by the US Supreme Court. Its presence was defended as being part of American history and heritage. In her dissent Justice Ruth Bader Ginsburg said: 'The principal symbol of Christianity around the world should not loom over public thoroughfares, suggesting official recognition of that religion's paramountcy' (*American Legion*, Ginsburg, J., dissenting, pp. 7–8).⁴ These cases are situated in claims about religious freedom, both from the vantage point of those who wish to defend symbols and practices and by the nonreligious who wish to be free of them. But our concern here is not the applicability of case law but the circulation of a shift from 'religion' to 'culture' that is contained in both law and other public discourses.

In this article we consider the turn to culture, history, and heritage as a strategy for the preservation of majoritarian 'religious' practices. This turn has several scholarly descriptors, including culturalization, culturalized religion, and Christianity. By culturalization we mean the process by which practices, symbols, and groups that have previously been considered religious become classified as cultural or part of heritage. On the ground, culturalization presents as an invocation of 'our culture' or 'our heritage' to justify the continued presence of symbols and practices that have tradition-

1 *Lautsi and others v. Italy*, 2011. ECHR. No. 30814/06. Hereinafter '*Lautsi*'.

2 One noteworthy case occurred in the town of Chalon-sur-Saône when the mayor decided to uphold France's principle of *laïcité* by banning non-pork alternatives in schools. In 2015 a court upheld this decision after it was challenged by the French Council of the Muslim Faith (*Conseil français du culte musulman*). This judgement was annulled in 2017 by an administrative court, however, highlighting the ban's potential violation of children's rights. The court also noted that non-pork alternatives had been offered in Chalon-sur-Saône schools since 1984 without prior contestation (Tribunal Administratif de Dijon, *Décision de la ville de Chalon-sur-Saône concernant les menus de substitution dans les cantines scolaires*, req 1502100, 1502726, 28 August 2017).

3 In his critical analysis of the 'return of the pig' Birnbaum details how the customs of Muslims in France become targeted in the name of 'a universalist secularism whose cultural perspective nevertheless remains somewhat anchored in Christianity' (Birnbaum 2013, 28).

4 *The American Legion v. American Humanist Association* (2019) No. 17–1717, 588 U.S. _____. Hereinafter '*American Legion*'.

ally been understood to be linked to religion. Many of the conversations about 'our culture and heritage' related to such symbols and practices take place in the context of legal claims invoking religious freedom but also in and through media-driven public discourse. There are no clear steps to enculturation that can be generalized; rather the process is context specific.⁵ In this article we examine the broader context of the religion-to-culture transformation by paying special attention to Finland. Having framed the debate around religious freedom and enculturation, we examine instances of cultural justification in the Finnish context, especially the debate around the singing of the Summer Hymn in schools. We then discuss the Finnish examples in relation to scholarly interpretations of the turn to culture, especially from the point of view of the nonreligious, and suggest, contrary to some interpretations, that one of the consequences of increasing cultural justification is that it tends to favour majoritarian religion – Lutheranism, in this context – and that it becomes difficult for nonreligious people and members of religious minorities to feel part of 'us' or 'our culture'. We are not weighing in on what is 'really' religious in our examples; rather we note the ways in which social actors construct symbols and practices that have historically been understood as belonging to majoritarian Christian practice as now being part of 'culture'.

Religious freedom and enculturation

The proliferation of 'culture and heritage' discourse in the examples we began with is situated in a broader legal framework of religious freedom. The extent to which religious freedom concepts and cases frame social action is an empirical question. For example, in her investigation of the 'shadow of the law' effect of judgements from the European Court of Human Rights, Effie Fokas (2018, 35) found that 'In spite of the fact that in most of those cases the Court decided in favour of the claimants, groups expressing similar grievances to those articulated in the Court's case law have not tended to lean on the breadth of that jurisprudence in support of their own claims'. This rather surprising finding signals that it is important to study both

⁵ Beaman (2020, 22) identifies some markers of a pattern in this process that include: a majoritarian practice or symbol deemed in need of protection; the linking of the symbol or practice with shared values and the nature of the society in question; the universality of the message conveyed by the symbol or practice; an interpretation of state neutrality that supports the symbol/practice; the identification of a radical other who threatens the 'precious heritage under attack'; the erasure of those who do not fit the 'us' of 'our culture and heritage'.

everyday interactions and legal findings if we are to gain a full appreciation of the religion-to-culture phenomenon.

The international circulation of religious freedom as a universal human right should, in theory, create a strong protection for religious minorities, as well as for those who identify as nonreligious. The protection of religious freedom internationally is widely accepted to include freedom of belief, and that in turn is understood to mean freedom not to believe or practise anything at all (Shaheed 2019) – in other words, to be atheist, agnostic, humanist, or simply indifferent. Yet religious minorities often find limited support for their claims under religious freedom laws. Similarly, the nonreligious – our primary interest here – receive limited support for their challenges to majoritarian Christian symbols and practices such as prayer in public spaces. To complicate matters further, religious freedom is increasingly used as a basis for a claim to the right to discriminate.⁶

Law plays an important role in deciding what constitutes religion, who is entitled to protection, and what the limits of religious freedom are. Scholars have described this as the ‘judicialization’ or ‘juridification’ of religion (Blichner and Molander 2008; Sandberg 2011; Årsheim and Slotte 2017; Moustafa 2018; Richardson 2021). In their analysis of disputes over the burqa, Burchardt et al. (2019) note the standardization of what they call justificatory repertoires used by social actors in legal settings. They argue that ‘judicialization narrows the range of legitimate arguments made for and against burqa bans, thus contributing to the production of legal templates routinely employed in subsequent disputes’ (Burchardt et al. 2019, 335). In this way, law constitutes ‘religion’, but the matter is made more complex by the varying uses of ‘culture’: in the case of the burqa its legal constitution as ‘religion’ is then used to support its banning from the public sphere as a violation of neutral, *laïque*, or secular principles. Its constitution as culture is used to minimize its importance (‘it’s only culture and therefore not central to religious beliefs’). In the case of majoritarian religion, the designation as culture results in protection – ‘it’s our culture and heritage and therefore central to our identity’. As we shall see, this process takes place not only through law, but in day-to-day life and through media discourse.

Scholars have begun to pay close attention to ‘culturalized religion’, although the meaning of this varies. For example, Astor and Mayrl (2020, 209) note that ‘what is distinctive about culturalized religion, in other words, is that it is perceived or portrayed as “culture” rather than “religion,” de-

6 An example is discrimination against the LGBTQ community (Gasper 2015; Movsesian 2019).

spite its ongoing links to “traditional” religious forms.’ Usefully for our purpose, Astor and Mayrl (2020, 211) make an additional observation that ‘the power of culturalized religion arises precisely from the fact that its cultural or nonreligious elements are foregrounded, while its genealogical connections to conventional religion lend it rhetorical, emotional, and political weight’. What they describe as conventional religion is what we call ‘majoritarian religion’, meaning the historically dominant religion of a nation.⁷ In all the cases we discuss, including Finland, this is Christianity in its different forms. The genealogical connections Astor and Mayrl name are very often invisible in public discourse but are significant factors in the persistence and persuasiveness of culture-based claims. In addition to thinking about majoritarian religion, it is relevant to ask, as we will later in this article, whether nonreligious people are protected, recognized, or included in using the designations of ‘culture’ or ‘religion’.⁸

Contests over symbols and practices, or indeed the characterization of symbols and practices as foundational cultural cornerstones, are not solely a matter of legal contest. While these are high-profile contests that are easily traced, many more articulations of ‘our culture and heritage’ take place at the local level, shaping people’s lives, offering possibilities for both participation in and exclusion from civic life. These mundane affirmations of ‘our culture’ are important, indeed potentially more so than legal considerations. This is the case in Finland, which has seen relatively little discussion of religion as culture in the legal context. This does not mean the legal dimension is absent, but that it is intertwined with other forms of public discourse, and that the statements by legal experts do not put an end to the discussion. Consequently, we contend, it is useful not to isolate the legal dimension from the analysis of everyday public discourse.

In some measure, the invocation of ‘our culture, our heritage’ is linked to national imaginaries of who ‘we’ are, with ‘our values’ and with ‘shared norms of sociality’ (Burchardt et al. 2019, 355). Astor and Mayrl (2020, 216) argue that in fact political appeals to religion have escalated in the face of diversification and a ‘perceived threat posed by ethnonreligious “Others”’.

7 Conventional religion is often defined more broadly than majoritarian religion (Knott, Poole, and Taira 2013, 10).

8 It is important to note that culture, heritage, and religion are not static in these moments of social and legal contest: they shift depending on the social actors and the social context. Thus, for example, a niqab or a turban may be characterized as religious in some circumstances but ‘mere’ culture in others. The ‘mere culture’ designation may work to minimize or exclude certain minority symbols and practices from the protections of religious freedom laws. It is generally not used when majoritarian religions lay claim to culture.

Wagenvoorde (2020, 116) focuses especially on populist deployments of Christian self-conceptions, suggesting that

Christianity is then often portrayed as a rational and cultural element of society, and its crucial role in constructing European civilization is emphasized. Especially in Western European countries, populists often emphasize the secular nature of their countries.⁹

We would expand these arguments to focus on culture, arguing that ‘culture’ and ‘religion’ are sometimes used interchangeably in the working up of nationalist rhetoric.

Joppke (2015; 2018) also pays attention to nationalist tendencies. For him ‘culturalization’ aids in understanding what he considers the unequal treatment of Christian and Islamic symbols in selected European societies. In his view Christianity is a majority religion, and Islam is a minority religion, but increasingly in Western societies the former is ‘cultural’ or part of ‘heritage’, and the latter ‘religious’. However, he sees this primarily as a secularist development.

Finally, Brubaker (2017, 1206–10) refers to ‘Christianism’, which he argues is ‘entirely secular’ and ‘devoid of religious content’, signifying ‘belonging rather than believing’ and an identity rather than religious practice or belief. Pushing past mere nationalism, Brubaker argues that Christianism is part of the civilizational discourse invoked by populists. Brubaker’s focus is perhaps broader than that of enculturation, but his point regarding civilizational discourse is one we bear in mind as we turn our attention to a specific example of the religion-to-culture turn in Finland.

Instances of culturalization in Finland

In evaluating whether the shift from religion to culture is or is not happening in Finland, where it happens, and what it means, we will examine two examples of instances of culturalization – the first being the most visible and widely known example and the second a more recent and slightly less discussed case. In Finland there are no decisive court cases in which the ‘cultural’ or ‘religious’ nature of particular symbols or practices have been resolved. Although legal matters are relevant, and the statements of legal experts are included in the analysis, the primary venues where the cultural

⁹ A possible exception to this may be New Zealand, which has a different trajectory vis-à-vis the social construction of ‘we’ and ‘us’.

justification has taken place have been the media and education systems, or, more precisely, mediated debates related to the presence of Christian symbols and practices in schools. In choosing these examples we are not focusing on what is labelled as 'cultural religion'.¹⁰ Rather, in the following examples the main issue is how a symbol, group, building, or practice is classified as 'religious' or (nonreligious) 'cultural' (or part of 'tradition' or 'heritage'), and what is at stake for different social actors.

*Can a hymn be 'cultural'?*¹¹

In post-war Finland the singing of 'Suvivirsi', the Summer Hymn, has been part of the final spring event in many schools. It is also part of a Lutheran book of hymns, and it is typically sung at Lutheran Sunday services on Midsummer's Day. It is one of the best-known songs in Finland. Its origin is not completely certain, but it was probably composed by Israel Kolmodin (1643–1709) after he had had a nature-related experience in 1693 or 1694. The text was written originally in Swedish, and the Finnish translation may have been the work of the priest Erik Cajanus in 1700 (Lehtonen 2012).

The lyrics of the hymn describe the blossoming of nature. They include references to God (second verse), the Lord (third verse), the Creator (third verse), and Jesus (fourth verse). The inclusion of the hymn in schools' spring celebrations has been considered problematic because of its 'religious' references. For example, there is evidence that some kind of debate took place in the 1970s, after which some schools decided to omit the hymn from their spring events (Lehtonen 2012, 225), but the focus here is on the period since the 1990s.

While there was no intense media debate around the Summer Hymn in the early 1990s, the coverage increased in the mid-1990s. Between 1990 and 1994 an average of five newspaper items about the Summer Hymn was published every year in *Helsingin Sanomat*, the most popular and most

10 Cultural religion is a term increasingly used in the sociology of religion (Demerath 2000; Zuckerman 2008; Kasselstrand 2015; Taira, Ketola, and Sohlberg 2022) to refer to religiosity or religious institutions that are supported for cultural reasons, independently of whether people believe the teachings and doctrines of the religious tradition or institution in question. In the Finnish context it is widely accepted that people's relationship with the Lutheran Church is not primarily based on their religious beliefs. People have been members of the Lutheran Church and maintained a positive attitude towards the church largely because it has been considered to represent Finnishness: to be an ordinary Finn is to be a member of the church. This edifice is crumbling slowly in Finland, especially among young adults born in the 1980s or later, as argued by Taira, Ketola, and Sohlberg (2022) and Niemelä (2015).

11 This section is partly based on Taira's (2019a; 2019b) analysis of the Summer Hymn debate.

influential Finnish newspaper, and in *Ilta-Sanomat*, the most widely read tabloid. Between 1995 and 1999 this increased to 22. The numbers were steady for the next decade (21 in 2000–2004; 23 in 2005–2009), and the peak was achieved between 2010 and 2014, with an average of 38 news items a year. After the peak the previous annual average of 22 published items resumed (Taira 2019a; 2019b, 238.)

In the 2010s singing the Summer Hymn was popular. According to the representative surveys Gallup Ecclesiastica 2011 and 2015, 84–85 per cent of Finns approved, while only four to five per cent opposed it (Sorsa 2016, 184). Despite its popularity, the singing of the Summer Hymn is debated almost every spring and sometimes throughout the year. The debate primarily takes place in the media. It includes journalists, teachers, politicians, state officials, the Ombudsman, representatives of the Evangelical Lutheran Church of Finland and nonreligious associations, parents, and ordinary citizens. Although all sorts of state officials are involved in the debate, and sometimes the debate intensifies when state officials make statements or recommendations, there has been no significant court case to settle the issue. This makes the Finnish situation slightly different from many other international examples used in theorizing cultural justification. We therefore pay attention to the media debates, while not forgetting the role of the Deputy Ombudsman, whose statements on matters regarding freedom of religion in school contexts are significant legal documents in reflecting on whether culturalization is taking place in Finland.¹²

The popularity of the singing of the Summer Hymn as evidenced in the surveys also emerges in the public debate. The topic is widely discussed, but there are few identifiable consistent opponents. Even those criticizing the practice emphasize that singing one song is not that harmful, but that as representatives of nonreligious associations in particular, they see it as a question of principle of whether school events can contain religious practice, and whether the singing of one hymn counts as religious practice if schools and officials observe (as they are expected to) the idea that the freedom of religion includes freedom *from* religion.¹³

All significant media outlets from newspapers to the online news portal

12 The Ombudsman, selected by parliament after an assessment by the Constitutional Law Committee, is responsible for the oversight of legality, basic rights, and human rights in particular. The role is named as a ‘public duty’ in the Constitution, but what this means is unclear (Sarja 2010, 22). In practice the Ombudsman or the Deputy Ombudsman provides statements from the legal perspective based on complaints, and the people in question are expected to follow them. Other bodies such as the Constitutional Law Committee have the capacity to overrule the statements. In some cases, complaints may lead to criminal charges (Pölonen 2010, 46), but this has not been the case in the examples we discuss here.

13 The Finnish Constitution states that ‘No one is under the obligation, against his or her conscience, to participate in the practice of a religion’ (section 11). <<https://www.finlex.fi/en/laki/kaannokset/1999/en19990731?search%5Btype%5D=pika&search%5Bkieli%5D%5B0%5D=en&search%5Bpika%5D=constitution>>

maintained by the public broadcast company Yle support the singing of the hymn in schools. Most politicians vehemently defend the practice. The same is true for most ordinary citizens who contribute to the opinion pages. Some teachers and some members of nonreligious associations have questioned the practice. Some school principals have decided to abandon it – in some cases because the majority of pupils are not members of the Lutheran Church. However, very few groups are opposed to the practice. The most obvious examples are nonreligious associations such as the Union of Freethinkers of Finland and the Humanist Alliance, but even they sometimes state that the whole Summer Hymn debate is a distraction from more serious issues concerning freedom *from* religion, such as schools' visits to churches or that morning assemblies in schools may be led by clergy from the local parish.

However, opponents are portrayed negatively as intolerant, as in the case of the managing editor of *Turun Sanomat*, Veikko Valtonen, who wrote it was difficult to believe that opposition to the 'joyous celebration of summer' came from the Union of Freethinkers of Finland: 'It would fit the Union of Intolerance of Finland better' (*Turun Sanomat* 2 July 2011). Opponents are ridiculed by journalists, who suggest that if the singing of the hymn traumatizes pupils, everything containing visible religious references should be abandoned, including the Finnish language and nearly every Finnish tradition (*Ilta-Sanomat* 25 March 2014). Such statements imply that not singing the hymn would be detrimental to Finnish culture more generally and hint that the opponents do not qualify as real Finns, though it is rare to find such accusations explicitly stated. This negative portrayal of opponents of such practices is a common reaction internationally, as is the 'slippery slope' reaction that frequently takes the shape of 'what next, will they want to remove ... Christmas lights ... the Lord's prayer ... etc.' (Beaman 2020).

Minority religions are rarely heard as participants in the debate, and if they are, they almost always support the singing practice.¹⁴ Interestingly, minorities are often referred to by both supporters and opponents, indicating that diversity is something that must be taken seriously and addressed if one wants to make plausible claims about the common good in Finnish society. Again, this reference to minorities is also something that appears in

14 For example, in 2000 representatives of Jews and Tatar Muslims stated that the singing of the hymn was not offensive to them. In 2014 the chairperson of the Islamic Association of (the city of) Tampere, Mustafa Kara, emphasized in *Yle Uutiset* that he did not know any Muslims who wanted to forbid the singing of the hymn. The same message was delivered in *Ilta-Sanomat* by Muslim MP Nasima Razmayar a year later (Taira 2019a, 4).

the international context, but frequently in a negative way to invoke ‘them’ as a threat to ‘our’ cherished symbols and practices (Beaman 2020).

What is relevant from the culturalization perspective is that in debates concerning the hymn its defenders classify it as cultural, part of ‘our’ tradition and heritage. Ulla Appelsin, the editor-in-chief of *Ilta-Sanomat*, the most widely read tabloid, has been a particularly vocal supporter of the Summer Hymn, writing that ‘It is a beautiful tradition which brings tears to the eyes of many mothers and fathers’ (25 March 2014). A similar message was delivered by the MP and chairperson of the Finnish National Agency for Education, Sari Sarkomaa, on her Facebook profile (and referred to in the news media, e.g. *Ilta-Sanomat* 7 August 2013), stating that ‘The singing of the Summer Hymn is not about practising religion. The Summer Hymn is part of the Finnish spring celebration tradition.’ These are examples where a hymn that previously or typically has been considered ‘religious’ is considered ‘cultural’. Characterizing the hymn as cultural moves beyond the freedom of religion framework. Some have suggested that it may well be a ‘religious’ song in some sense, but that the school context and the nature of the event – a celebration of spring rather than Christian worship – makes the singing something other than a religious practice. Those who oppose it tend to classify it as religious but are in the minority, as has been suggested (Taira 2019a).

While the cultural justification of practices and symbols is debated in the media, something else is often needed to ignite the conversation, be they school decisions or legal and government officials’ statements. One of the most significant individual statements in the context of the Summer Hymn was made by the Deputy Ombudsman Jussi Pajujoja in 2013 in his response to a complaint by the University of Helsinki’s Student Association Prometheus (Dnro2488/4/13 2013). The complaint was made because of Sari Sarkomaa’s (previously mentioned) comments. The Deputy Ombudsman noted that based on the constitution no one was obliged to participate in religious practice, but referred to the earlier statement by the Constitutional Law Committee that schools’ ‘festive traditions’, including end-of-term celebrations, were part of Finnish culture, and singing a hymn in such a context did not make it religious practice.

The statement specified that although the Lutheran Church defined hymns as prayers that were therefore an example of religious practice, singing the hymn’s first two verses, which include the word ‘God’ only once, was not markedly religious, but an established part of ‘Finnish tradition’ and schools’ spring celebrations. An international reference for the decision

was found in the *Lautsi* case, in which a crucifix was regarded as a ‘passive symbol’ that was not comparable to religious activities, affording an example of culturalization happening by reference to previous international cases (for the *Lautsi* case see Beaman 2015; Slotte 2011a). Although other officials like Deputy Chancellor of Justice Mikko Puumalainen commented later that special consideration should be given in deciding whether religious events – including the singing of the Summer Hymn – should be organized in schools, the 2013 statement has been used to justify the hymn’s retention in school events and its understanding as cultural or part of tradition with the support of the media discourse.

Can a church building be ‘cultural’?

A more recent, slightly less visible, example from 2019 concerned the nature of a Lutheran church building. The context was again related to schools, this time in Naukio school in the city of Kouvola in south-eastern Finland, when, based on a complaint by the *Uskonnottomat Suomessa* (the Nonreligious in Finland) registered association, the Deputy Ombudsman announced that organizing a school’s Christmas celebration in a church building might be against the law. In this case the event had included the singing of hymns and a pastor’s talk. It was considered religiously ‘confessional’ by the Deputy Ombudsman and therefore to breach equality and freedom of religion. This prompted a wider discussion of whether church buildings could be used for school purposes at all, even if there were no ostensibly religious content. Previously, according to the Head of Teaching Services of Kouvola, Kim Strömmer, it was common for school events to be organized in church buildings, and there was an alternative event for those who did not wish to participate in it. The Deputy Ombudsman considered the alternative event insufficient because end-of-term events were obligatory for schools, and they should be available for everyone, regardless of pupils’ religiosity. The Deputy Ombudsman considered church buildings sufficiently religious and therefore problematic for end-of-term events, but did not rule out the possibility of organizing other voluntary school events on church premises (EAOK2186/2018 2019).

The public conversation revolved around the issue of the use and nature of church buildings.¹⁵ The Yle online news featured the headline ‘Cultural Heritage or Religious Practice?’ (*Kulttuuriperintöä vai uskonnonharjoittamista?*,

15 <<https://www.maaseuduntulevaisuus.fi/politiikka/artikkeli-1.546742>>

Yle 11 November 2019), framing the issue as a choice between the two: the church building was either sufficiently 'neutral' ('cultural heritage'), or it was essentially 'religious'.¹⁶ Suddenly, the most typical example of a 'religious' building was regarded as 'not religious' by those who supported the interaction between schools and the Lutheran Church. Some gave a more pragmatic justification, suggesting there was a lack of appropriate premises, but the media discussion did not demonstrate evidence for this view.¹⁷ The framing differed little from the case of the Summer Hymn. Again, the issue was not considered primarily a freedom of religion case. Practices, symbols, or even buildings that were typically understood as religious were now reconceptualized as cultural when it was considered expedient. Indeed, avoiding the freedom of religion framework that designated a Lutheran church building as religious and classifying it instead as 'cultural' strengthened the overall status of the Lutheran Church in Finland, because it ensured the use of church premises for school events. In this case the cultural justification was only used after the Deputy Ombudsman considered the church building to be religious. The interpretation of churches and other buildings as sufficiently neutral cultural spaces was affirmed two years later when the Constitutional Law Committee's report overruled the Deputy Ombudsman's statement, stating that church buildings and any other buildings owned by religious communities were not essentially religious, meaning the premises could be used at end-of-term events as long as they did not contain confessional content (PeVM 16/2021 2021).

Interpreting cultural justification in Finland and beyond

Victory of secularism or support for the Christian majority?

In considering the outcome of culturalization, Joppke writes that

the religion-culture distinction, abstruse and problematic as it may appear to many, is the ultimate victory of secularism, as it allows privileging the majority religion only by denying its religious quality, transforming it into mere 'culture' (Joppke 2015, 4).

¹⁶ <<https://yle.fi/uutiset/3-11062975>>

¹⁷ We are not sufficiently familiar with the city of Kouvola to evaluate this pragmatic justification, but if true, we would expect to hear similar arguments from other cities.

Joppke views secularism as gaining ground because Christian symbols can only be accepted if they are not considered 'religious'. He mentions the case of a German public-school teacher who was given permission to wear her nun's habit based on the recognition of the 'Christian-Occidental tradition', while Islamic headscarves had been prohibited and concludes:

While clearly an indirect discrimination against Islam, this was also an unacknowledged victory of secularism because Christianity could only be favoured to the degree that it was not a religion (Joppke 2015, 180).

To highlight this alleged victory, Joppke (2018, 240) suggests that the churches do not like this development because it means religious practices cannot be called religious. His overall analysis resembles that of Roy (2019, 151–152), who suggests that 'In cases of conflicting normativity, it is always secularism that wins out'. Yet another interpretation of this development is that Christian churches have cultivated their link and indeed their central role in 'culture' as part of their desire to be understood as representatives of 'universal' principles. We might therefore consider the imbrication of Christianity in the articulation of 'our culture and heritage' to be a retrenchment and even an expansion of Christianity rather than a victory for secularism.

The argument about the 'victory of secularism' applies to the Finnish situation at only a very general level: in Finland, as in most European countries, there is a relatively widely shared view that school is not a place for religious practice, and that the Constitution of Finland (2003) and the Act on the Freedom of Religion (2003) protect nonreligious students and adherents of minority religions from being forced to participate in majoritarian religious practice. Schools should be inclusive of all convictions, religious and nonreligious alike, and a kind of state-led secularist principle in the form of the religious neutrality of public power is therefore at play, though the issue is more complex in practice (see Rissanen et al. 2020). This principle does not mean that schools are antireligious or silent about religion; it means that one religious group or tradition should not dictate school practices and suppress other convictions. However, it would be misleading to call this the 'victory of secularism', as this principle says nothing about who benefits – any group may benefit from this principle because it depends on its application and the classification of practices. Moreover, the existence of this 'secularist' principle says little about cultural justification.

It is also important to reflect on Joppke's view that Christian leaders are not content with the increasing classification of 'religious' practices as

'cultural'. The Finnish examples suggest that those speaking in the name of the Lutheran Church accept the culture and heritage classification of the Summer Hymn simply because this is how the continuation of the singing can be justified. The situation is not different in the case of church buildings. Another, related, point is that the bishops have not been active in the debate. It has been unnecessary, possibly because what matters is the continuation of the practice, not the classification as 'culture' or 'heritage'. In the Finnish context most Lutheran voices do not oppose cultural justification.¹⁸ Outside Finland Christian leaders have strategically mobilized the culture and heritage discourse, arguing for the heritage and cultural value of practices and symbols, as well as their universal applicability, to maintain their privileged place (Martinez-Ariño 2020).

Implications of cultural justification for the nonreligious

The idea of the 'victory of secularism' does not match the fact that 'secularists' or the nonreligious feel they are on the losing side. Most voices of 'secularists' and nonreligious associations in Finland argue against classifying the singing practice as culture or heritage (Taira 2019a) and probably against regarding the church building as a religiously neutral space. They know that cultural justification is how the practices of singing the Summer Hymn or organizing school events in church buildings can continue, and they have difficulties in finding the language to oppose these practices: it is much easier to argue against religious practice in schools than against culture or heritage.

Cultural justification often primarily supports the Christian majority against the nonreligious. Minority religions are a special case. The continuing presence of Christian practices, whether 'cultural' or 'religious', allows minority religions to make a case for their own ('cultural' or 'religious')

18 Some suggest that culturalization strips Christianity of its specialness as a religion, whereas others see it as enshrining Christianity as an untouchable part of 'us'. Roy, for example, represents the previous view. He shares a couple of examples by high-ranking Catholics who have opposed the labelling of the cross as a cultural symbol. These are the Archbishop of Paris, André Vingt-Trois, on the 'culturalization' of nativity scenes, and the Archbishop of Munich, Reinhard Marx, who has suggested that 'if the cross is viewed only as a cultural symbol, then it has not been understood'. (Roy 2019, 121f..) These examples suggest that reactions differ in Protestant Finland, but it is also possible that they are exceptional rather than representative opinions within the churches. One may also wonder whether the reaction would be similar if the decisions go against Christian practices and symbols. It is much easier for the Christian authorities to comment on the nature of the cross when the case has already been won. The true test is to suggest loudly that the cross should not be conceptualized as cultural before the case is settled, and even more so if its use has been banned based on its religious nature.

practices, depending on which justification is most likely to be effective.¹⁹ In the case of the Summer Hymn the possibility to include events with content related to minority religions has frequently been raised and mostly supported in the public debate. At least some schools have started to organize such events, but they are not widely discussed in the national media. It is also important to remember that some religious minorities are particularly vulnerable: this has been especially the case for Muslims for the last couple of decades. They may therefore be reluctant to challenge majoritarian religious practices. In practice their symbols and practices can be included, but similar inclusion has been more complicated in the case of the nonreligious.

The classification of symbols and practices as cultural does not mean their religious nature is fully denied. Instead, it is enough that they can be seen as cultural to a significant extent. Although Beaman et al. (2018, 44) rightly worry that classifying something as culture or heritage means nonreligious people are coerced into religious participation, the contentious nature of the classification is recognized so that at least in the case of Summer Hymn participation is typically made voluntary, despite being 'culture' or 'heritage'. However, there are at least two practical problems with the option to opt out.²⁰ First, the Deputy Ombudsman's previously mentioned 2013 statement noted that according to the European Court of Human Rights people should not be obliged to reveal their religious conviction. In deciding not to sing the hymn or be part of the event, pupils may reveal their conviction. It could be argued that not singing the hymn does not actually reveal what pupils believe, thus solving the legal issue, but nonparticipation still makes it visible that the student differs in some respect, and that they are not par-

19 In the context of the Act on the Freedom of Religion there has been a tendency by the Finnish Freedom of Religion Committee to what Tuula Sakaranaho calls a 'multifaith approach', in which the privileged position of Christianity is accepted, and public recognition is given to other religions (2006, 144; see also Sakaranaho 2012, 115–9). This is what Tariq Modood (2010) calls 'levelling up' to extend the role of religion in politics and the public sphere by including minority religions (see Taira 2017, 589), but Sakaranaho emphasizes that in Finland there is an imbalance 'between the positive religious freedom of the majority and the negative religious freedom of the minorities' (2012, 123). In practice, the success of cultural or religious justification by minority religions depends on the case. In Finland, there have recently been debates on whether police officers can wear a niqab. Some years ago it was debated whether or not bus drivers could wear a turban. The turban case was decided in favour of a Sikh who made the case on the grounds of religious discrimination. It would be possible to argue for the wearing of the niqab or turban on cultural grounds, but the argument about them being religious garments seems more likely to be successful, because it can be made with reference to the Act on the Freedom of Religion.

20 For a more general critique of opt-out clauses see Mawhinney 2006.

participating in an activity that is framed as being ‘our culture’.²¹ The second practical problem is that the possibility to withdraw from the event does not take the feelings of pupils into consideration. It is likely that being in a minority group that does not participate in the end of the term celebration makes pupils feel excluded by accentuating their difference.²² In addition to these practical problems, there is also the question of whether the suggested procedure is coherent: if singing the hymn is classified as cultural, there should be no need for opting-out in principle; the fact that such an opportunity is recommended seems to indicate that the singing is regarded as religious, even when explicitly defined as part of Finnish tradition.

It is also noteworthy that in many instances in both Finland and elsewhere those who question or challenge such ‘cultural’ practices are often vilified or cast as intolerant. This raises the question of the social costs for those who dare to speak out. In some instances those who file a legal complaint or even informally ask for changes are threatened or harassed. An expert in the Canadian case mentioned at the beginning of this article posited that the atheist complainant in that case had psychological problems because he had complained about a prayer and crucifix at a municipal council meeting. Daring to question the presence of symbols such as crosses or crucifixes or to challenge the saying of Christian prayers can have serious consequences for those who challenge the status quo (Beaman 2020). These consequences can include threats, harassment, and ostracization.²³

For the most part ‘culturalization’ supports the status of Christian majorities as constitutive of ‘us’. As Beaman et al. (2018, 48) write, ‘characterizing such symbols as culture or heritage allows for the preservation of a majority religious hegemony in the name of culture’. Given that the nonreligious tend to use legal language to make their claims, and such language is unlikely to be successful when practices and symbols are classified as cultural, they may have difficulties in finding efficient ways to express the feeling of injustice or

21 In Norway Johnsen and Johansen found that ‘Exempting one’s children from Christmas activities does not imply withdrawing them from a cultural canon. It is a symbolic action that goes against all this school aims for in being a community across every divide. Not attending is therefore an action that violates a constitutive feeling rule that is expected at this school’ (2021, 250).

22 In their research into Christmas school practices Johnsen and Johansen found there was some possibility to reconfigure school-based Christmas rituals and events in nonreligious ways to be more inclusive. However, they also found that ‘Islam becomes visible as a “religious other”, while the coding of Christianity as culture – particularly at Christmas – facilitates a “secular normality” in which central religiously coded elements such as the nativity story are made invisible’ (2021, 251).

23 See also Slotte (2011b) for a discussion of stigmatization and abuse in the context of exemptions from Norway’s religion education course.

being left out of 'us'. It is also easy to hold the claims of the nonreligious as ridiculous, petty, or intolerant when they are seen to be related to 'culture' rather than 'religion', as seen in the case of the Summer Hymn, as well as in the Canadian Saguenay and Italian Lautsi decisions.

Although 'culturalization' helps maintain the majority Christian hegemony and in some contexts assists nationalist tendencies or even explicitly nationalist populism, it is only one of parallel and simultaneous social processes. In the Finnish context the Act on the Freedom of Religion, which highlights the positive freedom of religion (Seppo 2003), guarantees that being classified as religious will remain beneficial in many situations. For example, registration as a religious community according to the Act affords the opportunity to be involved in religious education in schools – although the terms differ for the majority and minorities (Sakaranaho 2013), potential eligibility to conduct legally binding ceremonies (such as marriage), financial aid from the government, and to be protected under the Criminal Code of Finland from the breach of the sanctity of religion (section 10) and the prevention of worship (section 11). Furthermore, for many less-known communities such as Wiccans it may even be beneficial for their public image to register as religious, to have it 'in print' that they are a law-abiding community, approved and authenticated by state officials (Taira 2010, 384). Furthermore, the pandemic revealed there were exemptions related to assembly restrictions for registered religious communities that were unavailable for nonreligious or cultural activities, meaning there were practical limits to the efficacy of being consistently 'cultural' or part of 'tradition', instead of being classified as 'religion'.²⁴

24 In October 2020 the Regional State Administrative Agency (RSAA) announced that religious communities were exempt from the assembly restrictions in their ordinary and regular activities (e.g. Sunday services) taking place on their premises. 'Religious communities' meant the Evangelical Lutheran Church of Finland, the Orthodox Church of Finland, and any registered religious community (as defined in Act on the Freedom of Religion). This was possible because the Assembly Act (Section 2) states that 'This Act does not apply to official events arranged by public corporations [i.e. the Evangelical Lutheran Church of Finland and the Orthodox Church of Finland], nor to the characteristic events of religious communities where these are arranged for the purpose of public worship in the community's own premises or in a comparable place'. In other words, the RSAA was able to prevent theatres, cinemas, concert venues, swimming pools, and amusement parks, among others, restricting their activities, but not religions. This loophole in the Assembly Act was based on the Act on the Freedom of Religion, which accords special status to registered religious communities. It was also relevant that this applied only to registered communities, not to Muslims and their mosques in general, as only some Islamic communities are registered as religious communities. Only some communities used this 'privilege' to organize events during the pandemic.

Law can work in both ways by supporting cultural justification and supporting religious justification; but both ways are often unhelpful for those who are nonreligious. This situation maintains the understanding of how nonreligious people who challenge the Lutheran Church's public role are not part of 'us', while there is at the same time evidence that nonreligiosity is becoming a normalized identity in Finland, especially among young adults (Taira, Ketola, and Sohlberg 2022).

Conclusion

The culturalization and cultural justification we see internationally are also unfolding in Finland, although the courts are not its primary locus. Nevertheless, as the Finnish examples examined here show, legal matters regarding freedom of religion and freedom from religion are never far from the horizon, even when the media and schools can be considered the main arenas for locating culturalization. Finnish laws support the idea that being a religious community may be beneficial for many, and statements by state officials, especially the Deputy Ombudsman, often highlight the problematic nature of the presence of 'religious' symbols and practices in non-confessional institutions (e.g. schools). Law in itself does not dictate whether culturalization takes place because laws can also support religious justification, as we suggest, but legal cases lend a certain visibility to the religion-to-culture turn. Thus, while there are legal cases in countries outside Finland, we also speculate that there is, as in Finland, an everyday translation of 'religion' to 'culture', rendering practices and symbols 'harmless', as vital components of 'our culture and heritage', and as somehow representative of universal messages. What is frequently not asked is who 'we' are, and especially who is excluded from this grand narrative of 'us', which frequently also invokes narratives of 'our values' to accompany these symbolic referents (Beaman 2021).

Although many legal cases have seen the validation of the culturalization of 'religious' symbols,²⁵ in the Supreme Court of Canada case mentioned at the beginning of this discussion the court recognized that prayer could not be hidden under the 'guise' of culture. The court did, however, leave open the possibility that other practices and symbols might have heritage protection. When and how remains an open question, but there are many examples of crucifixes, crosses, and prayers, and other practices such as the

25 See: *Lautsi; American Legion; Town of Greece v. Galloway*, 2014. 572 U.S. ____; Tribunal Administratif de Nantes, 14 novembre 2014, Fédération de Vendée de la Libre Pensée, n° 1211647.

Finnish Summer Hymn, benefiting from this new heritage designation. As a result, diversity and inclusion vis-à-vis religion are often conceptualized around religious minorities. In other words, it is religious minorities that are the focus of debates about inclusion. However, nonreligious people find it difficult to get their voices heard when symbols and practices that have been traditionally considered religious are negotiated anew as part of 'our culture and heritage'. To return to the observation of Astor and Mayrl, the rhetorical power of this characterization is linked to the foregrounding of culture and heritage and the minimization and indeed sometimes complete elimination of any reference or links to the majoritarian religion (i.e. Christianity).

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