TEMENOS

NORDIC JOURNAL OF COMPARATIVE RELIGION

VOLUME 58 NO. 2

THE FINNISH SOCIETY FOR THE STUDY OF RELIGION

2022

The journal is supported by
Nordic Board for Periodicals in the
Humanities and the Social Sciences.

ISSN 2342-7256

TEMENOS
NORDIC JOURNAL OF COMPARATIVE RELIGION
Volume 58 No. 2

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SPECIAL ISSUE:
FREEDOM OF RELIGION AND BELIEF REVISITED


TEMENOS
NORDIC JOURNAL OF COMPARATIVE RELIGION
Temenos Vol. 58 No. 2 (2022), 165–7
DOI: 10.33356/temenos.120970

Editorial Note

The freedom of religion or belief is an internationally recognized human right. It includes the right to have or not to have a religion or belief and to manifest this religion or belief in private or in public, alone and/or in community with others. Given the extensive ratification of major international human rights treaties, most states in the world are today obliged to respect, protect, and fulfil the rights of individuals and groups within their territories and under their jurisdiction. However, in practice, issues concerning the right to believe or not to believe are far from a simple matter, as shown in this special issue on the *Freedom of Religion and Belief Revisited*. Geographically, the articles of this special issue largely focus on Finland and the other Nordic countries. This said, it is obvious that the themes covered in these articles not only touch upon the development in individual states but are international or transnational by nature.

Finland and the other Nordic countries are part of a globalized world, governed by international agreements and power relations. This is true not only in relation to law but also economy, politics, and even warfare, of which the decision of Finland and Sweden to seek NATO membership is a recent example. It is our contention that in a rapidly changing global world law needs to follow suit – in Finland and elsewhere.

On 10 November 2022, 100 years had passed since the newly independent republic of Finland enacted its Act on the Freedom of Religion (267/1922, which came into effect on 1 January 1923). It formally recognized individual and collective freedom and established state neutrality in relation to religion. The Act was in force for 80 years, being replaced only in 2003 by a new Act on the Freedom of Religion (453/2003). Compared to the earlier Act, the new Act of 2003 (and related legal reforms around the same time) testifies to an expanded concept of freedom of religion, a stronger focus on positive freedom of religion and belief, and a strengthening of collective freedom in this area.

As Ilkka Huhta's article about Finland shows, the transformation of the right to freedom of religion and belief followed a particular path, and similar developments can also be observed with regard to other European countries. First, there was a move away from religious coercion, which historically

meant a legally enforced – and largely socially taken for granted – duty to belong to the majority church and a right to choose between different Christian congregations. Subsequently, this right came to include the right to choose between different religions. Finally, it also came to encompass the individual right not to believe or belong to any religious community. As the article by Teemu Taira and Lori Beaman also shows, questions pertaining to the freedom of religion or belief are today increasingly concerned with the rights of nonreligious communities and of the nonreligious.

The Finnish society of the 2020s differs markedly from that of the 1920s, or indeed the early 2000s. For example, apart from changing geopolitical constellations affecting the role of the state, migration, forced mobility, and societal diversification are affecting the makeup of society, triggering a reconsideration of established practices, as well as the identification of new issues of concern for which there are no ready legal solutions. Hence, instead of approaching societal issues simply as a legal matter – for example, pertaining to freedom of religion and belief – in certain cases it may be more appropriate to examine how people aim to solve matters of their everyday life in practice. Mulki Al-Sharmani and Sanna Mustasaari offer an illuminating example of this approach in their article, in which they show how Finnish Muslims, at the intersection of religion, race, and gender, create meaning and practices of Islamic family law in relation to marriage and divorce. In doing so, Al-Sharmani and Mustasaari invite us to move beyond binary and narrow ways of thinking about normative orders and how people engage with law, and they raise a question about legal pluralism as against simplistic legal centrism.

Indeed, while the law may in fact be unable to provide tangible solutions to all the issues arising from continual societal diversification, the established general legal approaches to freedom of religion or belief may also need reconsideration. In her article Lene Kühle points to contradictions in how the Nordic countries are related to and regulate religion and belief. While they put themselves forward as champions of freedom of religion or belief, data from international reports measuring levels of freedom of religion or belief across the globe do not affirm this rosy picture.

When carrying out a diagnosis and proposing legal solutions, it is, as Kühle observes, important to critically reflect on such international standards for measuring levels of freedom of religion or belief, and how they may play a role in helping us focus on topical issues related to religious freedom. We need to ask how things are classified – an important issue also raised by Taira and Beaman in their discussion of the culturalization of religion – and what counts as more or less the freedom of religion.

During the preparatory work of the new 2003 Act in Finland, it was observed that the aim was not to enact a law that would be as enduring as its predecessor. The decline in membership of the Lutheran Church, as well as the increasing religious diversity and growing number of nonreligious people pose clear challenges for the next reform of the Finnish Act on the Freedom of Religion. However, a thorough reform of the Act on the Freedom of Religion would require changes to religious policies and social power relations, and such changes take place only very slowly. It remains to be seen if even 70 years will be enough for this to happen in Finland.

Tuula Sakaranaho and Pamela Slotte
Guest editors

TEMENOS
NORDIC JOURNAL OF COMPARATIVE RELIGION
Temenos Vol. 58 No. 2 (2022), 169–91
DOI: 10.33356/temenos.115502

A Hundred Years of Religious Freedom in Finland

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Abstract

This article examines how religious freedom has been implemented and interpreted in Finland over the last hundred years. Moving chronologically, I explore the most crucial developmental phases in religious freedom legislation and public discussion. The Act on the Freedom of Religion was only introduced after Finland's independence in 1917 and entered into force at the beginning of 1923. The article shows themes that provoked much discussion in the 1920s and were interestingly repeated in the debate in the 1960s. The question of the relationship between the church and state was at the core of the Finnish public debate on freedom of religion from the outset. A similar discussion again became visible at the turn of the twenty-first century in connection with the basic rights reform and processing of the new Act on the Freedom of Religion. The strength of the Finnish state church system in society is still illustrated by the fact that the Act on the Freedom of Religion of 2003 did not really change the basic premise regarding the Lutheran and Orthodox churches, which hold a special position. Opinion remains divided on whether such a system is problematic for the realization of religious freedom.

Keywords: *freedom of religion; state church; history; basic rights; religious education*

Most historians agree that the recognition of religious freedom as a basic right has been closely linked to the emergence of the modern nation state and the process of democratization. However, freedom of religion itself can be seen as an older phenomenon. In Europe the requirement of a unified religion began to unravel as early as the seventeenth century. Relaxations of the state church system, which is part of the history of the nation state, had already occurred in the sixteenth and seventeenth centuries in Poland, the Netherlands, and England, for example. Yet it was the Enlightenment that began to break the close relations of state and church (Huhta 2021).

However, the core change was not the state church system as such, but a changed perception of the state. If the state was no longer regarded as divine but as an organ of an essentially secular nature serving the common good and based on negotiation, it was clear that the requirement of religious unanimity as the basis for the state also gradually ceased to be sustainable (Pulkkinen 2003, 220f.).

In nineteenth-century Europe the rise of liberalism increased demands for the abolition of religious coercion and the dismantling of close state–church relations. The requirement for religious uniformity was increasingly questioned because the liberalism agenda included demands for individual religious freedom. This demand also resonated with religiousness influenced by Pietism and Methodism, which emphasize the individual's personal faith. Developments in many European countries therefore led to a coherent process – the re-evaluation of the state–church relationship – while extending religious freedom (Seppo 1998, 847–51).

The general philosophy described was also implemented in Finland, but the country's position on the border between Eastern and Western Christian traditions created its own characteristics for the development. The history of religious freedom legislation and its interpretation in Finland have two roots: the basic solutions of church–state relations had already been created during Swedish rule; but more than a hundred years of history as an autonomous Grand Duchy of Russia (1809–1917) defined the country's religious policy solutions. Finland's centuries-old connection with Sweden first tied Finland to the Western Christian cultural environment and finally to the Lutheran state church. However, the period of autonomy contributed to the special treatment accorded to the Russian Emperor's Orthodox religion alongside Lutheranism. Both had an impact on religious freedom solutions in independent Finland and the construction of relations between the churches and the state (Huhta 2014, 135–52).

The implementation and interpretation of religious freedom are always linked to historical and cultural contexts. The aim of this article is to analyse how religious freedom has been implemented and interpreted in Finland over the last century. The analysis is based on printed material illustrating the implementation and interpretation of religious freedom during the last hundred years. Material focusing on this research is the work and expert contributions on religious freedom and church–state relations in Finland. The source material includes public debate during three historical transitions. These transitions were the early 1920s, the late 1960s, and the turn of the millennium. How the results are presented is chronological in structure

and sociohistorical in perspective. By this I mean that the legislative solutions for religious freedom in Finnish history structure the order of the story, and explanations for the different interpretations have been sought in the political and social public debate of each era. I argue that such historical contextualization best explains interpretations of religious freedom at different times.

In the public debate I especially focus on how the question of religious freedom became constantly intertwined with questions regarding church–state relations. I have used the concept of *state church* when referring to the Lutheran and Orthodox Churches' unique position in Finland. However, I am also aware of the term's conceptual ambiguities: the *state church* concept does not recognize the Orthodox Church's role as a Finnish minority church compared to the dominant Evangelical Lutheran church, for example.[1] In practice, the *state church* concept has usually been used to refer to the Lutheran Church. That said, I still see the concept as a better translation of the Finnish word *valtiokirkko*, compared to the concept of a *national church* (Huhta 2021, 96–116). This is because *national church* is often and easily translated as *kansankirkko* (folk church), which is used in the discussion even more exclusively when discussing the Lutheran Church's crucial social and dominant role (Hjelm 2019, 294–315).

Historical research on the freedom of religion in Finland has focused mainly on the different stages of the legislative implementation of religious freedom. I have especially used Juha Seppo's article 'The Freedom of Religion and Conscience in Finland' (Seppo 1998) and his study of the implementation of the 2003 Act on the Freedom of Religion (Seppo 2003). Leena Sorsa's dissertation on the interpretation of religious freedom in the Finnish Evangelical Lutheran Church between 1963 and 2003 (Sorsa 2010) and her research on the church's relationship with the state (Sorsa 2015) have also been useful.

Apart from the studies mentioned above, there is no up-to-date historical research that considers the long-term historical developments of religious freedom in Finland. The overall picture from the first enactment of the Finnish Act on the Freedom of Religion to modern times is incomplete, and only a few studies analyse interpretations of religious freedom in their historical contexts. This article aims to plug these gaps in the historiography of religious freedom in Finland.

1 Hereafter I use the term Lutheran Church.

A secular state and the birth of the Act on the Freedom of Religion

The republican form of government Finland adopted in 1919 entailed the abandonment of the principle of a confessional state. Throughout the period of autonomy the constitution of 1772 had been in force, which had preserved the centuries-old confessionalism formulated during Lutheran orthodoxy.[2] The constitution of an independent Finland now took as its principle total religious freedom. The state no longer had an ideology anchored in religion, so the state church system was in this sense abandoned. Religious neutrality replaced Lutheranism in maintaining social cohesion (Constitution Act 1919, sections 8–9).

Recognition of religious freedom and the neutrality of the state meant the state no longer required its citizens to belong to any religion. However, opinions were soon divided concerning the interpretation of whether the freedom of religion clauses in the Constitution Act were a demand to break the ties between the Lutheran Church and the state. This disagreement arose especially because the Lutheran Church was now one religious community among others, while the new Constitution Act confirmed the order of enactment of Lutheran church law (Constitution Act 1919, section 83). The special status of the Orthodox Church was in turn secured by a decree on the Greek Orthodox Church of Finland issued the previous year. The special status of both churches was also recalled by section 90 of the Constitution, which stated that the provisions on the posts of churches must remain in force (Constitution Act 1919, section 90). In the Constitution Act religious freedom therefore did not entail the dissolution of the special legal status of state churches; indeed, the Constitution confirmed it. The old right of appointment of bishops, which belonged to the ruler's powers, was now transferred to the president, so the state church system was also preserved here (Constitution Act 1919, section 87).

The Constitution Act stipulated that 'a Finnish citizen has the right to practise religion publicly and privately, provided that the law and good practices are not violated, as well as, as separately provided thereon, the freedom to renounce the religious community to which he belongs and the freedom to join another religious community' (Constitution Act 1919, section 8). At the same time the Constitution guaranteed equal civil rights and obligations, which were no longer bound by membership of the Lutheran Church (Constitution Act 1919, section 9). For the Constitution Act's provisions on religious freedom to have practical significance, the country still

2 The first constitution linking Sweden to the Lutheran confession was issued on 29 July 1634.

needed an act on religious freedom that would regulate the area of freedom of religion in detail. The government's proposal for the Act on the Freedom of Religion was presented to parliament in 1920 (Government proposal 2/1920).

However, there were differences of interpretation in the political debate on the articles on religious freedom in the Constitution Act. The interpretation of the Coalition Party, which had been branded the 'church party', was that the status of the Lutheran Church remained unchanged despite the neutrality recorded in the Constitution Act. The Social Democrats for their part argued that the secular state and total freedom of religion meant the church and state must also now be separated. This view was also supported by some Agrarian (Maalaisliitto) and Progressive (Edistyspuolue) politicians. The political debate, which was largely a cause of concern for the church, resulted in the formation of a political pressure group called the 'Rise of the Churchgoers' (Kirkkokansan nousu) in the run-up to the parliamentary elections of the summer of 1922. It made the implementation of the Act on the Freedom of Religion the target of an election campaign (Reijonen 1980, 276–91).

The question of the relationship between church and state was at the core of the public debate on freedom of religion from the outset. Similarly, on the eve of the enactment of the Act on the Freedom of Religion, the question of denominational religious education in schools and compulsory moral philosophy education for all sparked considerable discussion, for and against. In June 1920, just before the parliamentary elections, the ecclesiastical *Kotimaa* newspaper published a strong appeal to the 'Christian folk of Finland' on its frontpage, urging them to vote only for Christian-minded candidates to ensure, in connection with the implementation of the Act on the Freedom of Religion, that denominational religious education in schools would be preserved, and that compulsory moral philosophy for everyone would not replace religious education. The statement in *Kotimaa* finally ended with an intimidating warning of what would happen if they voted incorrectly: 'For negligence and harmful exercise of the right to vote, we all bear responsibility to future generations' (*Kotimaa* 9 June 1920).

Although *Kotimaa* did not say it directly, by 'harmful voting behaviour' the newspaper meant voting for the socialists. In the run-up to the election campaign the Social Democratic Party of Finland's electoral programme included the promotion of religious tolerance, the expansion of religious freedom, and the separation of church and state (*Suomen Sosiaalidemokraatti* magazine 19 May 1922).

The 'Rise of the Churchgoers' programme, which campaigned strongly for the role of religious education and the church's social significance as

the elections approached, succeeded both in its church policy and political objectives (Kena 1979, 301). In the July 1922 elections the Coalition Party increased its seats by seven (36), and the Swedish Party and the Agrarian Party each gained three additional seats. The left maintained its total (80), but its internal unity had been weakened by the new Socialist Workers Party (*Suomen Sosialistinen Työväenpuolue*), which now managed to secure 27 seats. The number of Social Democratic Party seats decreased correspondingly. Kirsti Kena (1979, 300) concluded that the Churchgoers' election campaign also contributed to a decline in church-critical support for the Progressive Party, and especially to the fact that the number of clergy among members of parliament more than doubled from the previous elections. Fifteen priests were elected as MPs in the new parliament (Koskiaho 1965, 203–213; Kyrönlahti 2011, 73).

When the new parliament met in the autumn of 1922, the Act on the Freedom of Religion arrived at its final reading. Ultimately, opinions did not follow party divisions in the parliamentary debate. The majority of the Swedish Party and the Coalition Party formed a more conservative wing that would have liked to have further postponed the Act's entry into force. They also called for considerable restrictions that would have safeguarded the state churches' status as it stood. However, some of the Coalition Party represented a more liberal line with 'Young Church' clergy MPs, as did the majority of the Agrarian Party. Yet some of the Agrarian Party represented an even more radical line with both left-wing parties. Among the clergy MPs the most conservative Coalition Party MPs opposed the substantial extension of religious freedom, some supported it with some restrictions, and many Young Church priests supported the law's reform, considering it successful (Kena 1979, 347). At the beginning of October the Act on the Freedom of Religion passed by a very large majority: 137 MPs voted in favour, and only 25 against. On 10 November 1922 the President of the Republic adopted the Act on the Freedom of Religion (Kaila 1923, 10f.).

Time of the first Act on the Freedom of Religion

The adoption of the Act on the Freedom of Religion was the end of decades of debate on religious freedom. The Act on the Freedom of Religion and the act on the right of citizens to hold public office regardless of religion finally meant that citizens' rights and duties no longer depended on their religious affiliation. Of course, the most anticipated amendment was the right it defined to resign from the Lutheran Church without the obligation to join

another religious community. A resignee had to register on a civil register, which had already been established after independence in 1917. Anyone aged 18 or over could now decide independently whether to belong to or resign from a religious community (Act on the Freedom of Religion 1922).

The consequences of the Act on the Freedom of Religion were less dramatic than expected: with a few local exceptions the number of resignations from the Lutheran Church was not huge. Immediately after the act's entry into force, 22,600 members left the Lutheran Church, which was 0.6 per cent of the total membership. Ten years later members of the Lutheran Church of Finland still accounted for more than 96 per cent of Finnish citizens, and the Orthodox Church of Finland accounted for approximately 2 per cent. At the beginning of the 1930s the number of non-affiliated people in the country was still less than 2 per cent (Church and State 1977, 22). More than a decade after the act's entry into force the Revd Dr Paavo Virkkunen summed up ecclesiastical circles' relief concerning the effects of the Act on the Freedom of Religion: 'If you only paid attention to the numbers presented, you might say that the Evangelical Lutheran Church has been somehow untouched in the face of the effects of the Act on the Freedom of Religion. Under no circumstances has the Act on the Freedom of Religion undermined the status of our Church as a People's Church' (*Uusi Suomi* newspaper 17 October 1936, Effects of the Act on the Freedom of Religion). Although the general picture was like that described, the satisfaction expressed in the Lutheran Church was not in all respects justified. On the contrary, local criticism in the parishes of Rääkkylä, for example, may have been fuelled by the complacency within the majority church (Muilu, 1976; Seppo 1990, 437–44).

The Act on the Freedom of Religion also laid down the grounds for exemption from religious education. The act said nothing about how religious education was to be organized in schools; it stated only the criteria for exemption from religious education if it was provided in accordance with the confession of a specific religion (Act on the Freedom of Religion 1922, section 8). Subsequent school legislation only specified that religious education in schools would be organized in accordance with the majority confession. It was also required to provide Orthodox religious education if the school had at least 20 Orthodox students (Saine 2000, 107). Non-adherents belonged to the civil register and after 1924, with those belonging to minority religions, received teaching in the History of Religion[3] and Moral Philosophy. This was only replaced with the reform of school legislation

3 In 1957 History of Religion became the History of Religions.

in 1985, when a new subject, Ethics, was introduced to schools alongside Religion (Seppo 2003, 42).

The act's general provisions also included provisions on oaths and cemeteries, a provision on the exemption from church tax, and the prohibition of the establishment of new monasteries. The freedom of a religious community was reflected in the fact that the individual's decision regarding the oath was tied to the view of their religion. Meanwhile, the cemetery provisions of the act essentially protected the interests of the owners of cemeteries – especially Lutheran parishes – because parishes could determine the price of the place of burial for members of the civil register and those other than members. Although the act allowed the establishment of private cemeteries, it was only feasible in rural conditions, and the right was barely exercised there either (Seppo 2003, 43).

The exemption of non-members from church tax was self-evident, but at the same time the act allowed the collection of substantial fees for the burial places of non-members. A burial plot's price depended on the parish's goodwill. However, if there was no goodwill, the relatives of the deceased ex-member had to pay quite high sums. This may in turn have exacerbated dissatisfaction with the Lutheran Church's majority and special status. Rääkkylä parish in North Karelia was an example of this. In January 1923 the parish decided family graves would be free for parishioners, but ex-members would have to pay FIM 50 for them. Individuals' graves would be FIM 10 for parishioners, but the price would be seven times higher for ex-members. According to a contemporary estimate this corresponded to a year's church tax for a working family (*Iltalehti* 5 October 1923, Current state and duties of the Church of Finland). However, Rääkkylä parish's solutions were to prove expensive for the parish, as a tenth of its members resigned in 1923: eight hundred of the parish's 7,000 members left the church (*Karjalainen* 5 April 1923, Frenzy of religious resignations in Rääkkylä).

Apart from Rääkkylä there were only a few similar strong local resignation drives. The adoption of the Act on the Freedom of Religion generally calmed the public debate on religious policy, but it did not completely silence it. The sharpest criticism was still directed at the special position of the Lutheran Church, as well as of the Orthodox Church. Although the act itself contained no provisions directly relevant to the relationship between the state and these two churches, 'the act nevertheless established a different status for both the Lutheran Church and the Orthodox Church from that of other religious communities' (Church and State 1977, 21). This happened so that neither of the churches was affected by the provisions

governing the registration of religious communities and their legal status (Act on the Freedom of Religion 1922, chapter 1(2) and 2(12–31). The special status of these churches remained valid to the extent that their position was still based on separate legislation, while other religious communities had to register separately. The sections of the Act on the Freedom of Religion on the establishment of cemeteries (Act on the Freedom of Religion 1922, chapter 1(10)) and on church tax (Act on the Freedom of Religion 1922, section 12) also recalled the state church status. Here too the two churches retained their special status.

The most explicit restriction of religious practice in the new act concerned monasteries. According to the Act on the Freedom of Religion, 'no monastic order or order of nuns or new monastery shall be established, nor shall any non-Finnish citizen be admitted as a member or candidate (novice) to any monastery existing in the country' (Act on the Freedom of Religion 1922, chapter 1(11)). The issue was first and foremost interpreted as political. In connection with the drafting of the act, strong views were expressed in favour of banning the establishment of monasteries and restricting the membership of those already operating in the country. In particular, Erkki Kaila, Professor of Practical Theology and Coalition Party MP, called for the restoration of the monastery provision, which had already been removed once by the Constitutional Law Committee, to the final Act on the Freedom of Religion. According to Kaila the monasteries and their residents were politically unreliable. On the one hand he thought that in the future Russia might use the Greek Orthodox monasteries it had established in Finland as a propaganda tool. On the other Kaila felt that the aspirations of Roman Catholics, especially Jesuits, represented a national danger. On the monastery issue there was ultimately consensus between the right and left of the political spectrum. The only difference was the grounds on which they opposed monasteries. While the clergy politicians on the political right wanted to include a ban on monasteries in the act to deny Roman Catholics the possibility of establishing monasteries in the country, on the socialist side it was a question of antipathy towards Orthodox monasteries (Nokelainen 2010, 234–7).

The monastery rule has been considered problematic in research from the perspective of the exercise of individual religious freedom (Kastari 1963, 298; Nokelainen 2010, 241f.). The politicians who called for the monastery provision to be included in the act viewed the issue primarily from an economic and political perspective. Moreover, many public addresses considered that monasteries required individuals to renounce basic rights

to an extent that could be interpreted as immoral from a secular perspective. These included societal exclusion and the commitment to celibacy. As the freedom of religion provision of the Constitution Act indicated that the practice of religion was restricted by 'law and good practice', the prohibition of monasteries could also thus be justified (Nokelainen 2010, 241f.).

Few criticisms of the monastery provision of the Act on the Freedom of Religion were made in public debate in the 1920s and 1930s. It was not until 1941 that the first review of the monastery provision was undertaken after the act's adoption, when the transfer of a monastery remaining in the territory lost as a result of the Winter War (1939–1940) necessitated the act's amendment. However, the practical necessity did not lead to a wider debate on principle. This did not happen until the late 1960s (Church and State 1977, 230–40).

Most Finns were quite satisfied with the situation of religious freedom in Finland until long after the world wars. It was now possible to practise or not to practise and to belong to a religion or not to belong. Neither religion nor its lack restricted civil rights. The low rate of religious resignations also led to no changes being made to the Act on the Freedom of Religion in the 1920s and 1930s. It was not until the 1940s that the pressure for changes in religious policy began to mount. The main new factor in this was the increase in communist political activity and the establishment of the Finnish People's Democratic League (SKDL) after the lost Continuation War (1941–44). The new party political agenda included the abolition of religious education, the implementation of compulsory civil marriage, the socialization of cemeteries, and the creation of a single state-managed population register. Yet the party sought to reduce the public role of religion by proposing that Yleisradio, the public broadcasting company, should stop broadcasting religious programmes (Seppo 2003, 47).

The SKDL aimed to promote an interpretation of religious freedom in which freedom from religion was most important. However, in the Finnish context, in the 1940s and 1950s, the interpretation was not widely supported. At the end of the 1940s the SKDL's term of office was also short, so the party's religious policy goals did not even reach the level of measures. The opposite interpretation of the bourgeois parties was clearly that religion, which generally meant Christianity, should be visible and public, be it in schools or in broadcasting policy. The opinion of quite broad sections of the public was also that the church was still – and should remain – one of the main maintainers of social cohesion, and there should therefore be no interference with its position. This social view dominated the Finnish interpretation of religious freedom until the 1960s (Seppo 2003, 48).

However, the Finnish interpretation of religious freedom steadily strengthened the individualistic emphasis on individual liberties, which was an increasingly common trend in the countries of the Western cultural environment in the decades after the Second World War. Amid this historic transformation of religion exceptionally rapid changes to public, cultural and social significance of Christianity took place. At an individual level the change was mainly reflected in a decline in religious practice and the number of church members. Many history of religion researchers have correctly highlighted the importance of the 1960s as a turning point in the era. Although the secularisation theories presented during the same decade, which anticipated the disappearance of religion, have certainly been controversial, the position of traditional churches has now radically changed. This change has led some researchers to compare modern secularization in the 1960s with the Reformation in Western Europe (McLeod and Ustorf 2003; McLeod 2007; Kenis et al. 2010).

However, the 1960s were yet to bring much change to the Lutheran Church's social status in Finland, and the high support measured by church membership scarcely shifted. The decade's second half especially marked an exceptionally strong rise in criticism of the church in Finland (Huhta 2013). It also saw new demands for the extension of religious freedom (Seppo 2003, 49). They emerged in both the political debate in parliament and in daily newspaper publicity.

Public debate challenges the state church system

The Lutheran Church of Finland's relationship with the state and its general social status were subject to strong public criticism in the 1960s. The scope of the public debate could only be compared to that at the beginning of the 1920s. In 1965, Mikko Juva, Professor of Church History, analysed the change in the social climate, which was now reflected in exceptionally strong criticism of the church and religion. Juva wrote that 'the church and the statements made by its representatives have been the subject of public attention in many ways. If in years past there was cause to complain that the church was not very visible in the Finnish landscape, at least in the winter of 1964–5 this complaint is unfounded. The breaking of the relaxed and peaceful atmosphere around the church was questioned, and there was talk of the surprisingly rapid growth of anti-church forces' (Juva and Simojoki 1965, 7).

Juva's analysis was based on two public debates that broke out independently in 1964. The first concerned the Lutheran Church's social status; the

second the limits of freedom of expression. The former controversy began in the autumn of 1964 when the General Synod passed the new Church Law for approval by parliament. The essence of the controversy in parliament and in the newspaper was less the content of the Church Act than its order of enactment. Only MPs belonging to the Lutheran Church were allowed to participate in deliberations about the act, and their power was limited to its adoption or rejection. This provoked dissatisfaction, particularly among left-wing MPs and the left-wing press. However, Archbishop Martti Simojoki's speech at the Bishops' Conference abruptly silenced the criticism (Huhta 2013, 70f.).

Simojoki clearly had a keen eye for politics, as he succeeded in winning the left's sympathy by urging his own 'church troops' to understand left-wing voices as well. Simojoki declared: 'Nothing would be more misleading than to say that addresses by the political left in parliament and in the press are hostile to the church. I prefer to see in them the workers' friendly gesture to the church' (Minutes of the Bishops' Conference 1964). The left-wing press now rushed to thank the archbishop, whose speech was intended to be heard not only by the participants in the Bishop's Conference but especially by the left. The Church Act was passed by a large majority. The dampening of the criticism showed that the supreme ecclesiastical authority retained its old voice, including among the left (Juva 1994, 116–22).

In the discussion of the Church Act Archbishop Simojoki succeeded in his goals. However, when a second controversy soon followed, it was Simojoki himself who helped start it. This controversy, which tested the boundaries of freedom of expression, is remembered as the 'lightning war' by the writer Hannu Salama (whose surname is Finnish for 'lightning'), who was convicted based on the blasphemy provision of the Criminal Code for his work, which tested traditional boundaries. A speech given by Archbishop Simojoki at a folk high school's celebration set in motion an avalanche that he could hardly have anticipated, let alone wanted. Salama's blasphemy trial represents the most famous Finnish religious debate since the Second World War. The three-month suspended sentence for blasphemy Salama received in the Court of Appeal was generally considered unjust, and President Urho Kekkonen decided to pardon the author (Jalovaara 2011, 46–51).

Despite strong social pressure to amend the act, the motion to amend the blasphemy provisions of the Criminal Code failed in parliament. A decade later the church and state committee's report proposed the removal of the words blasphemy and God from the Criminal Code. Instead, what should be made punishable was more generally contempt for what was considered sacred in a religious community operating legally in Finland.

The Lutheran Church supported the amendment. However, was not until 1999 that the violation of the sanctity of religion, instead of blasphemy, became a crime defined by the Criminal Code (Criminal Code of Finland, chapter 17(10)).

Both the above controversies, which took place in the mid-1960s, were above all triggered by longstanding dissatisfaction beneath the surface. In the ensuing years, due to its state church status, the Lutheran Church of Finland attracted public attention and itself took a stand on the daily debate much more often than people were used to. The public church debate was the most visible dimension of this transformation, but it was driven by many other social and sociocultural changes that were common to other countries in the Western cultural environment (McLeod 2007, 1–5).

The criticism of the church's special status constantly highlighted the aspect of religious freedom, as the prevailing situation was considered to violate the religious freedom of minority religious communities (Huhta 2013). The public debate in turn inspired political decision makers to take numerous religious policy initiatives in parliament. They consisted of the separation of the church and state, church taxation, the lifting of the ban on entertainment on holy days, the possibility of religious resignation in writing, a change in the order of enactment of the Church Act, and a fair distribution of corporation tax income between the Lutheran and Orthodox Churches (Church and State 1977, 24f.).

The public debate led to the Lutheran Church establishing its own committee in the late 1960s to examine the extension of religious freedom and the relationship between church and state. The survey of religious freedom was prioritized, as the Lutheran Church had repeatedly been accused of obstructing others' freedom of religion through its special and majority status. The Lutheran Church itself considered freedom of religion a prerequisite for its own activities, so it began to examine how freedom of religion was exercised in Finland from the church's perspective. The Lutheran Church's interpretation of religious freedom continued to emphasize the freedom to practise religion. According to the committee, freedom of religion was freedom of conscience, freedom to practise religion, and the freedom and equality of religious communities. However, the exercise of the individual's freedom of religion required the state's protection against religious or anti-religious pressure injurious to the individual. The exercise of religious freedom required that joining and leaving religious communities and religious non-affiliation in no way affect the exercise of citizens' rights (Sorsa 2010, 102).

In these respects there was little new in the Lutheran Church's interpretation. From that perspective some of the changes required by religious legislation had already been made in the second half of the 1960s, and it was of course not in the church's interest to promote an interpretation of religious freedom that would highlight a negative interpretation of religious freedom (freedom from religion). Yet the majority church ultimately accepted smaller extensions of religious freedom. Among other things the ban on entertainment on holy days was reduced, and religious resignations became more flexible (Church and State 1977, 25).

The committee set up by the Lutheran Church of Finland also commented on the ban on the establishment of monasteries. In a 1968 preliminary report on the exercise of religious freedom the committee stated that the provision on monasteries should be abolished. The church's argumentation now both emphasized an ecumenical view and understood that the ban on new monasteries infringed religious freedom (Church and State 1977, 240). The majority church's position again carried social weight. The ban on the establishment of monasteries was lifted in 1969, although a restriction on foreigners remained, stating 'no non-Finnish citizens shall be admitted to a monastery as members or novices' (Act on the Freedom of Religion 767/1969). This was abolished at the beginning of 1984, when the inconsistency of the ban on foreigners was finally understood. Foreigners living in Finland had the same rights as Finnish citizens under the Act on the Freedom of Religion (Government proposal 48/1983).

The Lutheran Church therefore reacted relatively quickly to criticism of its special status. The topicality of religious freedom and relations between the churches and the state was reflected in the revisiting by many political parties of their religious and church policy programmes from the late 1960s and early 1970s. Almost every party now wished to define its position on burning religious policy issues. There was therefore an increased political need to clarify the problems in relations between the churches and the state and to carry out possible reforms. This eventually led to the establishment of a parliamentary church and state committee in the spring of 1972. Its main task was to examine the state relations of the Lutheran and Orthodox churches, which had a special status (Church and State 1977, 9). However, the question of extending the Act on the Freedom of Religion and the exercise of religious freedom was excluded from the committee's work. The re-evaluation of religious freedom did not really become topical until the late 1980s, when the government established a committee to reform basic rights. As a result of the committee's work, a basic rights reform was carried out in Finland in 1995 (Slotte 2022, 385–418).

Time of the new Act on the Freedom of Religion

The public debate of church–state relations in Finland had taken place in the 1960s under the leadership of the New Left movement. However, the basic status of the state relations of the two churches with special positions remained unchanged by public discussion – or even the work of the Church and State committee. Moreover, in the big picture the small changes in religious legislation that were themselves necessary were very small extensions to what had previously been the case.

The situation changed after the dissolution of the Soviet Union. The Finnish interpretation of religious freedom was increasingly contextualized as part of the international debate on fundamental rights, especially in EU member states. In the context of Finland's basic rights reform the discussion in the 1990s therefore strongly emphasized the change in Finland's international status; Finland's accession to the European Union in 1995 introduced both the European and wider international dimension more strongly to the heart of the Finnish religious debate. The recognition of the fundamental nature of the right to religious freedom and thus the emphasis on international human rights conventions were even more essential (Seppo 2003, 12f., 53).

After the crisis of the Soviet Union and Eastern Europe's atheist states a positive interpretation of religious freedom became briefly dominant in Europe. Religious freedom was interpreted as a right inherent to the individual, whether that freedom was recognized by an individual state or not. With reference to the United Nations instrument on civil rights the public debate highlighted that after this starting point society had only to negotiate the extent to which 'restrictions on a person's freedom to profess his or her religion or belief can only be imposed to the extent required by law to protect public safety, order, health or morality or the fundamental rights and freedoms of others' (Ferrari 2012, 148–149; Seppo 2003, 15ff.; Sorsa 2015, 23).

The need to reform the Act on the Freedom of Religion became increasingly apparent. It began after the 1990s reform of basic rights. Many believed that neither positive nor negative religious freedom was best realized in the Finnish system of two privileged national churches. The old theme of the special status of state churches was newly actualized. This was reflected in the fact that in the domestic debate the demand to change religious freedom came mainly from two directions. First, the Finnish freethinker movement stressed that the current Act on the Freedom of Religion favoured the Lutheran and Orthodox Church, which freethinkers consistently called state churches, at the expense of others, and the legislation thus trampled on the

fundamental rights of non-believers. Second, Finnish religious minority communities such as the Finnish Adventist Church, the Pentecostal Movement, the Finnish Methodist Church, the Salvation Army, and the Finnish Free Church – which together formed the *Suomen vapaan kristillisyyden neuvosto* (SVNK), or Finnish Free Christian Council – felt the legal implementation of religious freedom in Finland was incomplete (Seppo 2003, 58f.).

The fact that the Act on the Freedom of Religion of 2003 did not really change this basic premise illustrates the strength of the Finnish state church system in society. This was obviously influenced by the churches' strong representation in the composition of the Committee on Religious Freedom (Sakaranaho 2012, 89–124). The act ultimately did improve the position of religious communities, but the law still did not require equality between different religious communities. Although the bonds between the state churches and the state were cut one after another, this has not thus far translated to a desire to unravel the Lutheran or Orthodox Church's special position in public law. The strongest remnants of the state church in Finland are these churches' legislative procedure and power to levy taxes (Huhta 2021). The special position of the Lutheran Church remains evident in the fact that the enactment of the Evangelical Lutheran Church Act is still mentioned in the Constitution (section 76; Slotte 2022, 400).

Although the 2003 Act on the Freedom of Religion currently in force differs in many ways from the 1922 act, its structure is like that of its predecessor. The first chapter deals with the provisions related to freedom of religion and its exercise, the second with registered communities, the third with the application of the Assembly Act to the public practice of religion, and the last with the act's entry into force and transitional provisions (Act on the Freedom of Religion 2003). Chapters one and three address the Lutheran and Orthodox Churches.

In terms of the history of social public debate the two most interesting amendments to the general part of the Act on the Freedom of Religion were an addition related to the purpose of the act and a reference provision on religious education. The act's purpose was 'to safeguard the exercise of the freedom of religion provided for in the Constitution. In addition, the act provides for the establishment and operation of registered religious communities.' Yet even the new act staked out the hundred-year setting in its familiar place as it stated that 'this (first) and chapter 3 apply to the Evangelical Lutheran and Orthodox Church' (Act on the Freedom of Religion 2003, chapter 1(1)). Like its predecessor, the act was thus structured so way that the position of the state churches, which differed from the rest,

remained visible. However, the purpose of the act was now enshrined to clearly state the relationship between the Constitution and the Act on the Freedom of Religion. The previous act merely stated as a condition for the public and private practice of religion that the law and good practice must not be violated (Seppo 2003, 156).

Regarding the referenced provision on religious education, the act differed significantly from the previous one. The old act only laid down the grounds for exemption from religious education in school; the new act enshrined the right to receive religious education in a manner separately provided for. The act thus led to amendments to the Basic Education Act and the Act on General Upper Secondary Education. Denominational religious education was simultaneously exchanged for the right to receive education in accordance with one's own religion. According to Professor Juha Seppo, vice-chair of the committee preparing the Act on the Freedom of Religion, this change entailed 'a significant strengthening of the role of the position of religious education and clarification of its nature and objectives'. This was what it looked like when the act was implemented, in that both the Constitutional Law Committee and ultimately parliament made it clear that religious education was not the practice of religion (Seppo 2003), which in some respects denominational religious education had been.

However, it soon became clear that the protection the Act on the Freedom of Religion afforded religious education did not merely mean the strengthening of ethics education in schools. Yet religious education according to one's own religion caused practical problems that have resulted in repeated public criticism. The debate has culminated on the one hand in the question of whether it is possible in a multicultural and multireligious society to organize religion teacher training on an equal footing as the act requires without adversely affecting its quality. On the other hand the question arises as to whether a common ethics education for all would solve the problems of teacher training and better respond to the demands of a diverse society (Sakaranaho 2007, 3–16; 2013, 9–35). Proponents of the current model – based on the principle of religious freedom – have considered that a subject common to all would only examine religious traditions from the outside and discuss them in a way that ignores their meaningfulness (*Kotimaa*, 24 January 2013, Two views on religious education). A common Ethics subject has been proposed for everyone almost every decade since 1922. Most recently, it has come from the Greens Parliamentary Group in December 2020. People still argue against such a subject based on religious freedom.

After the new Act on the Freedom of Religion the Lutheran and Orthodox churches of Finland retained not only their state church order of enactment but their power to levy taxes. From the perspective of religious freedom the latter was interpreted as problematic because not all religious communities had access to financial support from the state for their activities.

Other religious communities that have expressed dissatisfaction have highlighted the economic inequalities of religious communities. For the first time a reserve of EUR 200,000 was added for this to the government budget in 2008. An interesting change is that in the twenty-first century the demand for economic equality has been highlighted more than in previous debates. The question of a community's economic capacity is naturally important for religious communities and their members. From the perspective of religious freedom the problem is that this is not happening equally in Finland. The support is linked to registration under the Act on the Freedom of Religion, which directly excludes some religious communities and movements from support. Yet the amount of support varies between churches and religious communities. In this case the state treats and supports members of religious communities unequally when their different economic conditions mean they are in an unequal position when organizing religious services, for example (Sorsa 2015, 26f.).

Conclusion

In this article I have described the history of religious freedom in Finland over a period of a hundred years. The history of independent Finland was shaped throughout the research period both by the striving for complete freedom of religion and a strong tendency to retain the strength of the special status of the two privileged national churches.

The most anticipated change in the first Act on the Freedom of Religion was the right to resign from the Evangelical Lutheran Church without being obliged to join another religious community. Negative religious freedom – the freedom of the individual from religion – only now became a reality. This dimension calmed the public debate for a decade, but as church–state relations were at the heart of the Finnish public debate on the freedom of religion, whether the country's state church model restricted the religious freedom of some remained relevant.

In the 1960s the Finnish Lutheran Church's relationship with the state came under unprecedented public criticism. The left especially called for the separation of church and state, but other political parties from all sides

were also now reviewing their positions on church and religious policy in general. There was a growing consensus in Finland that the relationship between the state and the majority church needed to be further unravelled. Now, unlike before, the attempt was made to separate the question of religious freedom from the church–state debate.

However, the traditional view prevailed, and no changes were made despite the debate. The majority view remained that the special status of two national churches did not prevent the others from enjoying religious freedom.

The third phase in the history of religious freedom in Finland began after the collapse of the Soviet Union. The Finnish interpretation of religious freedom began to be increasingly contextualized in the international debate on fundamental rights. When the new Act on the Freedom of Religion of 2003 was being enacted, society had a very strong ethos that religious freedom as a positive right of freedom (freedom of belief) had to be strengthened.

In the last hundred years in Finland the expansion of religious freedom has progressed a long way in short steps. The history of the public debate on freedom of religion shows that churches with a special status in relation to the state have managed not only to watch over the realization of positive religious freedom, which is important to them, but also to defend their historical special status. Where the majority church itself has advocated the expansion of religious freedom in society, this has been best achieved.

Internationally, the history of religious freedom shows that the widest possible religious freedom is also correlated with other basic rights such as freedom of expression. Where religious freedom has been threatened, other violations of basic rights are also common. This is also reflected in the hundred-year history of religious freedom in Finland.

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TEMENOS
NORDIC JOURNAL OF COMPARATIVE RELIGION
Temenos Vol. 58 No. 2 (2022), 193–216
DOI: 10.33356/temenos.113798

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 Saguenay 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 Christianism. 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 ethnoreligious "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 (Pölönen 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 Pajuoja 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.

ticipating 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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TEMENOS
NORDIC JOURNAL OF COMPARATIVE RELIGION
Temenos Vol. 58 No. 2 (2022), 217–38
DOI: 10.33356/temenos.113886

Islamic Family Law(s) in Finland: Reflections on Freedom of Religion from the Wellbeing Perspective

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Abstract

A central premise of the concept of freedom of religion is that the state has the obligation and authority to regulate and protect the religious rights of individuals and religious communities. However, this entails the state's navigation of the rights of citizens vis-à-vis the norms of their religious communities, which in some cases may be in tension. The state must also maintain the country's central legal principles. These premises are interconnected in vexing ways. This article studies how the concept of freedom of religion, with these underlying premises, applies to the practice of Islamic law in Finland. This question is reflected through an analysis of Finnish Muslims' marriage practices. We argue for a nuanced understanding of the relationship between Islamic family law and freedom of religion. Towards this goal we employ the concept of wellbeing (building on Sarah White 2010) to locate the practice of Islamic family law in Finnish Muslims' daily lives, whereby they pursue material, relational, and ethical needs and aspirations. We analyse how individuals conclude their marriages and the diverse motivations and meanings underlying these practices. Our aim is to capture the familial, economic, racial, political, and ethical processes through which Finnish Muslims continually and dynamically organize marriage (and divorce) and the implications for their freedom of religion on the one hand and for the Finnish state on the other. Our analysis draws on interview data collected in an ethnographic study of Muslim marriage and divorce practices in Finland in the period between 2013 and 2018.

Keywords*: Islamic family law, wellbeing, Finland, freedom of religion, legal pluralism*

The Freedom of Religion Act was first enacted in Finland in 1922. Historically, this law was premised on the notion of the separation of state and church and the protection of the individual right to belief (or non-belief) and religious practices (Kääriäinen 2011). The understanding of religious freedom has gradually evolved into one that ensures the right of individuals and communities to maintain and nurture their cultural identities (see e.g. Eisenberg 2016). For example, both the amended constitution of Finland of 2000 and the new Freedom of Religion Act of 2003 reflect these shifting meanings (Kääriäinen 2011, 157). One direct implication of this legislation pertaining to freedom of religion has been the right of religious minorities to establish religious communities as legal entities with rights to their places of worship, state funding based on the size of their membership, and to practise and maintain their religious norms and practices. Studies in various national contexts of Muslim, Catholic, Jewish, and customary and tribal family laws and religious adjudication or arbitration demonstrate that religious-based family laws are an important and often contested area directly relevant to the rights of minority communities in the country (see e.g. Rautenbach 2010; Eekelaar and Maclean 2013; Solanki 2011; Bano ed. 2017).

Regarding family life, the Marriage Act of 1929 recognizes marriages officiated by licensed members of legally registered religious communities. The officiating religious actor/community also takes on the responsibility for the necessary paperwork to record the concluded marriage in the relevant notary office. In other words, these Finnish laws and their underlying principles create the space for multiple legal systems to be at play in the ordering of lives of members of religious communities.

As Finland has increasingly become a country of immigration and home to diverse religious minorities, especially Muslims, freedom of religion has become a pertinent but also contested issue. The country is now home to a growing population of Muslims, primarily as a result of refugee-based immigration since the late 1980s. The legal governance of the religious and cultural rights of these communities has become the focus of scholarly and political debate (Martikainen 2007; Sakaranaho & Martikainen 2015). Common issues that have been at the centre of these discussions include Islamic religious education, the establishment of officially registered Islamic religious communities, the training of imams, and Muslim youth and their identity constructions. Recently, Islamic family law has also become a focus of these debates (Al-Sharmani 2019; Al-Sharmani & Mustasaari 2020).

In the literature, the term 'Islamic family law' is used to refer to the body of rulings on marriage, divorce, parenting, and inheritance premod-

ern Muslim jurists formulated between the second and fourth centuries of the Islamic calendar, and which eventually developed into four Sunni and three Shia legal schools (Kamali 2010).[1] This legal tradition was developed through a methodology that depended on two textual sources, the Qur'an and the Sunnah (prophetic) tradition and two derivative sources, namely legal analogy (*qiyās*) and the consensus of community of jurists (*ijmʿā*). The codification of Muslim family laws began in most Muslim majority countries in the early twentieth century and has continued until the current century (Welchman 2007; Al-Sharmani 2017).[2] These codes are drawn through the process of selection and patching from Sunni and/or Shia legal schools and implemented through the centralized court systems of modern states.

The encounters of Muslims in Finland with Islamic family law, depending on their migratory trajectories and transnational ties, may therefore be with codified family laws in a particular Muslim majority country or with uncodified juristic rulings adopted in the conclusion of Islamic marriages and/or divorces. In other words, no singular Islamic family law is at play in the lives of Finnish Muslims.

In many European contexts, including Finland, public debate concerning the family practices of nationals and residents with a Muslim background has often been framed as an issue of two competing goals (see e.g. Berger 2013; Bano 2007; Al-Sharmani et al. 2017; Mustasaari & Al-Sharmani 2018; Al-Sharmani 2019; Al-Sharmani and Mustasaari 2020). These goals can be framed as follows: the regulation and protection of the freedom of religion of these Muslim minorities in accordance with national laws, human rights convention and European law; and confronting certain practices and norms associated with Islamic family law perceived as contravening human rights, public order and European values of individual autonomy and gender equality, such as

1 The four Sunni schools are Hanafi, Maliki, Shafi, and Hanbali; the Shia legal schools are Jafari (twelver), Zaydi, and Ismaili.

2 Turkey and Albania opted for secular family codes, whilst Saudi Arabia legislated its first family code in March 2022. In 1975 Somalia legislated its first family code. However, since the 1990 civil war the country has not had one. The northern part of Somalia, now known as Somaliland, seceded in 1991 and likewise lacks a family code. There has recently been an initiative to advocate for family law legislation. The latter point was communicated to the first author by members of the Somaliland non-governmental organization *Nagaad* during an online workshop on Islamic family law with members of civil society in Somaliland in Puntland in Somalia on 26 September 2021. The workshop was co-organized by *Nagaad* and *Musawah*, a global movement of scholars and activists who work on re-engaging with Islamic textual tradition and the reform of modern Muslim family laws. The first author is a member of this movement. <https://www.musawah.org/>, accessed 11 November 2021.

child marriage, forced marriage, and polygamy. In the Finnish context there has been little debate, but when such utterances have been made, they have usually followed a similar binary logic (Al-Sharmani 2019; Al-Sharmani & Mustasaari 2020). Such an understanding relies on binaries that are problematic because they foreground and essentialize religion as a guiding framework for Finnish Muslim marriage and divorce practices. Simultaneously, religious law comes to be understood as singular, monolithic, and fixed.

Instead of approaching Islamic law and the Finnish state as opposing and mutually exclusive legal orders, we adopt an alternative methodology that locates Finnish Muslim marriage and divorce practices within family members' daily pursuits and struggles to meet their needs and aspirations and to navigate tensions arising from conflicting goals and pursuits within the family. We contend that such an approach can help us expand the concept of freedom of religion and apply it in a more nuanced way that yields new insights. Our approach is grounded in a three-dimensional understanding of the concept of wellbeing explained later in the paper, and it is connected with a capability approach to social justice and human rights.[3] It is also informed by a nuanced understanding of legal pluralism, as argued by the anthropologist Sally Merry (1988). It is thus a perspective that questions legal centrism and highlights the dynamic and layered bases for legal orderings and their mutually constitutive relations.

The first section of this paper reviews selected scholarship that reveals the gaps of binary-centred and essentializing approaches to Islamic family laws in Europe. We also show that this paper builds on this scholarship and proposes a new analytical lens. The second section focuses on Finnish Muslims' practices of marriage conclusion. We examine how individuals make choices about which legal order, when, and how to use it. We shed light on their diverse motivations, and how they are shaped by their differentiated life circumstances, social positionings, and resources. We also note that the practices of marriage conclusion and the politics of Muslim minorities in the Finnish context result in changing and contested Muslim perceptions of what constitutes 'valid' and 'proper' Islamic marriage. We show the need for a contextualized understanding of the question of freedom of religion in relation to Finnish Muslims' marriage conclusion practices.

We draw on interview data from the *Transnational Muslim Marriages in Finland*: *Wellbeing, Law, and Gender* research project (Academy of Finland

3 The capability approach, made famous by the philosophers Amartya Sen and Martha Nussbaum, is 'a broad normative framework for the evaluation and assessment of individual well-being and social arrangements, the design of policies, and proposals about social change in society' (Robeyns 2005, 94).

2013–2018). This project undertook the first multidimensional research on Islamic family law in Finland. This was both bottom-up and top-down research, focusing on 1) how Finnish Muslims organize and navigate marriage, divorce, and parenting, and what normative and legal orders are at play in these processes, and 2) how relevant institutional actors (state, religious) understand and address their needs and play a role in the governance of these family practices. The research data for this project were collected primarily through ethnographic research comprising participant observation, focus group discussions, semi-structured and life history interviews, and content analysis of relevant materials. Data were collected from women and men with different marital statuses (primarily of Somali background but also some non-Somalis towards the end of the project); mosque imams and members of family dispute resolution committees; and staff in Finnish notary offices.[4]

Two key concepts in this research project were wellbeing and transnationalism. Building on the work of the anthropologist Sarah White (2008), the research team used the first concept as a lens through which to understand the workings of Islamic family law(s) within the daily realities of our interlocutors' needs, aspirations, and challenges. We used the second concept as an analytical tool to understand the transnational social field in which the lives of the studied Muslim individuals, families, and mosques are located, and in which multiple normative orders are negotiated and navigated in relation to family practices (Levitt and Schiller 2004; Tiilikainen 2015; Tiilikainen 2017; Al-Sharmani et al. 2019).

Islamic family laws in Europe: Selected critiques

A body of studies on Islamic family law in Europe highlights several key points pertinent to this paper. For example, this scholarship problematizes the oppositional binary of European secular codes versus ahistorical Islamic

4 Thirty-seven interviews (19 women, 18 men) were conducted with Finnish Muslims of Somali background about their marriage and divorce practices, as well as their transnational family ties and relations in the period between 2013 and 2017. This paper's first author conducted the interviews with the women, and postdoctoral researcher Abdirashid Ismail conducted the interviews with the men. The first author and postdoctoral researcher Ismail also conducted five focus group discussions (6–7 individuals in each group) with Finnish Muslim women and men of Somali background. Two of the focus group discussions were with women, and two with men, and one was mixed gender. Both the first author and Ismail also conducted interviews with the imams of five mosques about their family dispute resolution work. In 2018 this article's authors jointly conducted interviews with eight mosque imams, focusing on the question of marriage conclusion. The two authors also conducted interviews with five women from different ethnic backgrounds.

family law, deconstructing especially the notion of European family laws that are free of the influence of religion and culture (Ballard 2013). It also shows the internal fragmentation and multiplicity of the legal orders in various European contexts, and the historicity, diversity, and complexity of Islamic family laws, especially in its modern iterations as state codes in many Muslim majority contexts (e.g. Rohe 2009; Büchler 2011; Yassari 2011; Berger 2013; Möller 2014; Shah, Foblets & Rohe 2016). The anthropologist Annelies Moors argues for de-exceptionalizing the discourses on Islamic family law in Europe and investigating the connections and differences between these discourses and those in Muslim majority contexts (Moors 2013).

There is also rich research that adopts a bottom-up approach to Islamic family law and shifts the focus to individuals and families themselves (Nyhagen 2004; Bano 2017; Al-Sharmani & Ismail 2017; Ismail 2018; Sportel et al. 2019; Al-Sharmani & Mustasaari 2020; Liversage 2021). This scholarship has examined processes through which Muslims in different European contexts organize marriage, divorce, and other family practices: the choices they make and their motivations, as well as the factors that enable and constrain these choices; how power differentials between family members and unequal access to resources shape marriage and divorce practices; how different norms and laws are navigated and made sense of throughout these processes; and generational and gender changes in family practices. Similarly, our paper adopts this nuanced bottom-up approach, paying close attention to connections between the different domains of the lifeworld of our research participants, such as family, economy, race, and membership in wider society.

The literature of interest to us has also critiqued a narrow linear understanding of legal pluralism, especially in relation to Islamic family law (Büchler 2011). However, this is not the version of legal pluralism grounded in the classics of the field. The concept of legal pluralism emerged in the theoretical anthropological scholarship in the 1970s (Moore 1978; Griffiths, J. 1984; Merry 1988; Nader 1997; Griffiths, A. 2002). It is used to refer to contexts in which multiple legal systems are at play in the ordering of relations, rights, and obligations within communities. Merry's influential article is especially informative. She proposed a five-pronged approach to legal pluralism. First, this approach jettisons the ideology of legal centralism, in which all relevant law is state law. In this understanding law is viewed as comprising multiple complex and sometimes competing legal systems that coexist in a social field in interaction. These systems influence one another, and their relationship is often mutually constitutive. Second, to avoid es-

sentialist and abstract notions of law, it must be examined contextually and with an awareness of its historical development. Third, contextuality also means the cultural and other normative legal bases are important. Fourth, this entails a shift from the focus on the application of law in situations of dispute to studying what law and the coexistence of different legalities means in people's lives. Fifth, this approach highlights the need to investigate the dialectic interplay between different legal/normative orders, which enables us to analyse power relations and domination through law.

Legal pluralism, understood as such, has been analytically helpful in problematizing the notion of a singular conception of law as state law. It has also drawn attention to the plurality of norms that can shape different legal orders and their cultural/religious foundations. Yet a conception of legal pluralism in which legal orders are viewed as static and closed entities that encounter one another to compete for dominance often prevails in public debates about Islamic family law. In state law, especially cross-border legal contexts, technical questions arise such as which legal order should govern the family practices of Muslims in European countries, or which laws should apply to their legal disputes. These are relevant questions to consider in this domain of law. However, sometimes this positivist approach is transferred to and misappropriated in public debates in which the encounter between the two legal systems becomes part of larger contestations of the (in)compatibility of certain aspects of Islamic family laws with assumed 'national' and 'European' values of individual freedom, gender equality, and secular ways of being and living. A good example is how Danish public debates about the regulation of transnational Muslim marriages become debates about child and forced marriages, resulting in discriminatory family reunification laws (Razack 2004). Another is how transnational marriages in British Muslim families with a Southeast Asian background become the object of public debate about Muslim forced marriages and the oppression of Muslim women in general (Grillo 2008).

In this paper we similarly problematize a narrow binary-oriented understanding of legal pluralism and seek a more nuanced historically and contextually informed understanding that goes beyond legal positivism. In this respect we are also informed by the legal literature on freedom of religion that underscores the politics of law. This scholarship questions the neutrality and taken-for-granted nature of law (including international human rights). It problematizes secularism as an impartial and ideology-free system of ordering different life domains; and it sheds light on the shifting meanings of religion and the politics of evaluating and hierarchizing different religious

systems (Jamal 2017; Laborde 2017; Slotte 2020). Similarly, capability theory, especially as developed by Nussbaum (2000), problematizes liberal theories' inherent prioritizing of the Western secular lifestyle over other ways of life. Building on this literature, we contend that a richer understanding of the workings of Islamic family law in Finland can be achieved by adopting an analytical approach inspired by the capability approach, in which freedom of religion is viewed through the lens of wellbeing.

Islamic family law and daily pursuits and challenges of wellbeing

The capability approach has been employed by a vast number of studies tackling various forms of injustice, and we perceive it as a flexible framework rather than a coherent or rigid theory. Two normative claims are pertinent to the capability approach: first, wellbeing is given primary moral importance as a freedom; second, wellbeing is understood in terms of people's capabilities and functioning (Robeyns and Byskov 2021; Ismail 2019b). In our use of the concept of the wellbeing we build on the work undertaken by the anthropologist Sarah White (2008; 2010), who studies poor communities in developing countries. Wellbeing, she notes, has often been understood as a fuzzy term that is associated with new age literature and ideas about self-reform. However, she contends that wellbeing can also function as a useful analytical concept to investigate the daily pursuits of vulnerable groups and communities. This is because it can help researchers investigate not only needs and lacks but also the aspirations and strategies of individuals, and how they are all continually and dynamically shaped and navigated in daily life.

White conceptualizes wellbeing in relation to individuals, families, and communities as encompassing three dimensions: material; relational; and subjective. The first dimension denotes different kinds of tangible aspects of needs and aspirations such as housing, employment, and legal residence. The relational dimension refers to the social relations within which these needs and aspirations are shaped and navigated, while the subjective dimension refers to values, perceptions, and experiences. White has developed the concept further in a series of publications. What remains central in her argument is that wellbeing is multidimensional, it is located within daily individual and collective pursuits, and it is not an outcome that either has achieved but a process that is continually navigated. In this process individuals, as well as families and communities, are differentially positioned and have different access to resources and thus also differ in their agency.

We draw on White's conceptualization of wellbeing with some modifications (Al-Sharmani et al. 2019). Like White, we conceptualize wellbeing as processual, located in daily pursuits to navigate needs, aspirations, and challenges. We understand it to have three dimensions: material; relational; and ethical. We understand the first two dimensions similarly to White. However, we conceptualize the third dimension as referring to the systems of norms and meanings, including religious, cultural, and state laws, that enable and/or constrain but also give meaning to people's needs, aspirations, and practices. We contend that Muslims' daily pursuits and struggles in different European contexts towards multidimensional wellbeing are the relevant and encompassing context within which we can better understand what individuals and families do – or do not do – with laws (religious or otherwise) when they marry, divorce, or parent. We argue that this bottom-up approach, which focuses on the individual and the family, enables us to avoid blinkered understandings of either the role of Islamic family law or other laws in the lives of these individuals and their families. It reveals power differentials, unequal access to resources, tensions regarding divergent needs and aspirations within families, shifting understandings of marriage and divorce norms, and internal debates within communities about the established authority of certain religious and cultural norms. Importantly, categories such as 'religious' and 'secular' are no longer fixed and hegemonic. Rather, they are layered, dynamic, and interconnected, while distinct and integral to larger complex lived realities.

Our empirical study's findings show that the role of Islamic family law and Finnish codes in the lives of Finnish Muslims cannot be adequately understood through a framework that focuses primarily on the encounter between two bounded (oppositional) legal systems. Rather, Finnish Muslim marriage and divorce practices need to be understood in the context of daily lives entailing multidimensional pursuits of needs, aspirations, and strategies of dealing with various challenges shaped by Finnish Muslims' lives as racialized minorities, whose family lives are often situated in the transnational social field (source). Our research results show that Finnish Muslims follow for the most part a two-tier system in their marriage and divorce practices. However, how they do so varies and is shaped by multiple factors such as their differentiated access to resources (material and immaterial), life circumstances, and competing family needs and aspirations (Al-Sharmani et al. 2019).

When it comes to marriage conclusion and its registration, as mentioned previously, religious communities with licensed individuals can conclude

legally valid marriages that are then registered at the notary office. Such marriages are just as valid as civil marriages concluded at a notary office. However, unregistered religious marriages are not recognized, depriving parties in such unions of the rights ensuing from such marriages. At the same time there are no legal sanctions for concluding unregistered religious marriage, unlike in the Netherlands, for example, where there is a penalty for concluding a religious marriage before a civil one (Moors & Vroon Najem 2019).

The conclusion of Islamic marriage was a common practice among the interlocutors in our study and was perceived as religiously and ethically required. The registration of marriage was also seen as desirable and beneficial *in theory* so that the couple's union would be recognized in the eyes of the Finnish state and thus ensure them the rights and protection due to legally married spouses. However, *in reality* people made diverse and pragmatic choices regarding when to marry and which legal order to enter into, depending on their various needs, life circumstances, family obligations, and challenges. Registration of marriage was desirable and possible for some couples. It was done either by concluding Islamic marriage in a mosque that then undertook the registration paperwork or registering their marriage in the notary office themselves after the religious marriage contract was officiated by the licensed religious scholar in the given mosque. For others entering into only an unregistered Islamic marriage was preferrable for various reasons. For some such marriage functioned as a transitional phase in a relationship that would later evolve into a permanent (financial and legal) commitment. Soad[5], one of our interlocutors, entered into an unregistered Islamic marriage with her high school sweetheart. The marriage was concluded by a religious scholar when they were both seventeen. Years later, after the couple finished their studies, they entered into a registered marriage at the notary office. For Soad and her husband this choice was also about seeking an ethical Muslim life in which they could live together and enjoy an intimate relationship in accordance with their religious beliefs and their families' social norms. For others the decision to conclude only an unregistered Islamic marriage was connected with their financial situation at the time. Zeinab and her first husband were of legal age when they concluded an unregistered Islamic marriage. They were then still students, with very meagre financial means and living in different towns. Entering into a registered marriage and its resulting legal entanglements vis-à-vis the state was not a good financial choice for them. However, in her second marriage Zeinab and her husband were clear about the desirability of registering their marriage because this was a transnational relationship, and the registration was a necessary legal step to pursue family unification.

5 The names of all interviewees have been changed.

For Sadiyya, a divorced mother of four, unregistered Islamic marriage was the only option she would contemplate to minimize any risks (financial and emotional) she and/or her children might encounter should she enter into a registered marriage that might eventually end. For other couples unregistered Islamic marriage was somehow seen as enabling spouses to have more financial autonomy from one another, thus enabling them to remit more of their income to their extended families. This was the case with Ahmed's wife in his second marriage. His first marriage, which had ended in divorce, was registered. He entered into a second unregistered Islamic marriage according to the wishes of his second wife. Ahmed himself was not keen about this decision and thought his wife did not want to register the marriage because she did not want a relationship that would bind them legally and financially in the eyes of the Finnish state. Eventually, the marriage broke down because of disagreements about the remittances his wife was sending to her family.

Notably, this does not mean that individuals like Sadiyya, Zeinab, or Soad were free of their own communities' norms in such unions. Indeed, part of the desirability of an unregistered Islamic marriage lay in its perception as both religiously permissible and acceptable to their families because it fulfilled all the elements of an Islamic marriage contract. Many individuals who entered into unregistered religious marriage therefore did so with their families' knowledge. The marriage contract was concluded according to the requirements of Islamic jurisprudence (e.g. two witnesses, a dower agreement, and the role of the marriage guardian).

If we focus more directly on the question of freedom of religion in relation to Finnish Muslims' practice of unregistered Islamic marriage, we can argue that this practice can facilitate underage marriage and polygamous unions. Underage and polygamous marriages may place women and underage girls in vulnerable positions and contravene the Finnish legal system's commitment to gender equality. This further brings to the fore the differences between the Finnish civil code on the one hand and the elements of a valid marriage in the Sunni and Shi'i schools of Islamic jurisprudence. In the latter polygamy is permissible, and legal capacity is achieved at puberty (i.e. when girls menstruate, and boys can ejaculate). According to the classical Islamic legal tradition underage marriage is therefore allowed.[6]

So does this make registration of marriage one of the focal points for the question of freedom of religion and its underlying tensions? The answer

6 According to the UN Convention on the Rights of the Child (CRC) childhood extends to the age of eighteen.

is far from straightforward, and in the following section we argue that the question of registration of marriage among Finnish Muslims in relation to freedom of religion cannot be understood in isolation and without a consideration of the nuances and dynamic processes of daily pursuits of wellbeing in which this practice is located. It therefore also makes sense to perceive freedom of religion from a capability perspective.

Capability approach to freedom of religion in the context of marriage conclusion

We noted above that the issue of marriage practices in a legally and religiously plural context easily becomes framed by an opposition between the rights of women and freedom of religion. However, our data revealed that much of what is relevant to people's experiences of equality, freedom, and access to rights is lost in such a narrow view, and that if we are to understand these experiences, we need to examine their situated and daily pursuits for achieving wellbeing. To elucidate, we note four points of analysis.

First, it is noteworthy that the practice of unregistered Islamic marriage interplays in complex and mixed ways with gender, understanding the latter as differentiated social positionings and experiences of both women and men. This practice enabled some women like the previously mentioned female interviewees to enter into relationships of their choosing in which they felt they had the leverage to opt out of the marriage more easily should they wish to. This applied to some of the women who wished to marry at seventeen, as well as to divorced older women who did not want to register their second marriages. Furthermore, women's vulnerability in such marriages in terms of access to religious divorce was less hindered by the unequal divorce rights in the Islamic legal tradition (Ali 2010). What was more relevant and determinant of women's leverage and access to Islamic divorce was their possession of important material and immaterial resources (e.g. a supportive and influential network of family members and friends, financial means, religious knowledge, the ability to function in Finnish society, etc. (Al-Sharmani 2018)). This does not preclude some women being legally vulnerable in unregistered Islamic marriages, which was manifested in their arduous struggles to get religious divorce from belligerent husbands and mosques whose adjudication authority in such cases was rejected by these husbands (Al-Sharmani & Ismail 2017).

Second, for the interviewees marriage conclusion was not about a stark straightforward choice between a secular or a religious law, but rather a

process of negotiation that was very much embedded in and influenced by their life situations and needs, aspirations, challenges, and family relations and obligations. Decision making regarding engaging with the two legal orders was processual and dynamic. Thus, at one stage in life couples may enter into unregistered marriage and later conclude a registered marriage, or the choice not to register can be viewed as more suitable for one marriage relationship but not another in the same individual's lifespan. It is also noteworthy that the multiple functions of unregistered Islamic religious marriage are partly enabled by the fact that the interviewees live in a context of legal pluralism: it is the availability of both Finnish civil codified and uncodified Islamic family law that creates these options for these interlocutors.

Third, it is also noteworthy that the meaning and nature of Islamic marriage itself are becoming layered and dynamic through concluding of an unregistered marriage contract. For some interlocutors an important feature of such a union is its flexibility, and that it can be more easily severed than a state-registered marriage. The assumption that this union may not last, or that in its present unregistered state it is less permanent than a state marriage, is therefore implicit in this perception. For others it becomes a pathway to a form of 'halal' dating, a term that has been used by some interviewees and is becoming more familiar among Muslim communities in both Finland and elsewhere (Moors & Vroon 2019). While Islamic marriage is changing through these practices, what constitutes its validity and authority is also debated among Finnish Muslims. For example, mosques registered as religious communities and engaged in various community development projects promote the desirability of registration of Finnish Muslims' marriages from an Islamic theological and ethical perspective (Al-Sharmani 2018). This discourse is partly shaped within a larger transnational project to build strong, successful, and well-integrated pious European Muslims (Al-Sharmani et al. 2019). It is also and notably shaped by the Nordic welfare state vision of a society in which civil society and the third sector, including the religious community, play an important role in the subject formation of citizens (Al-Sharmani et al. 2019; Martikainen 2016).

Fourth, what further complicates our understanding of the workings of Islamic family in Finland is the differentiated engagements of Finnish Muslims with both Islamic and Finnish legal orders. Let us take the example of Leila, whose Islamic marriage was concluded in a Muslim majority context in which only registered Islamic marriage was valid. Leila, a young university graduate, moved to Finland from her parents' home country

in the Middle East at the age of two. At the time of the interview she had been divorced from her husband for a few years. They had been married for eight years and had no children. Leila considered herself a Muslim but not, in her own words, a 'hardcore practising Muslim'. She was critical of the practice of marriage conclusion, whether civil or Islamic.

The civil marriage registration practice, Leila thought, mostly served as a way for state officials to regulate and thus control individuals and their family lives. Concerning Islamic marriage conclusion, she argued that the practice was often taken over by demanding cultural norms and customs of different Muslim communities, which often cost families time and money. However, Leila also believed in maintaining and nurturing her close ties and relationships with her parents and community. She understood and appreciated that it was important for her parents and especially her father, who was religious and attached to his culture that required her to conclude an Islamic marriage in their country of origin. She and her brother grew up quite close to their parents, who raised them to talk and debate with them. In other words Leila's agency and ability to be critical of some of the cultural norms of her community were also enabled by her close relationship with her parents. Leila and her husband therefore concluded an Islamic marriage in her country of origin, which was also registered according to the state family code of that country.

At first, the couple did not attempt to register the marriage according to the Finnish civil code. A couple of years later they decided to register the marriage for several reasons. Leila had noted that being legally recognized as a married couple made it easier and more beneficial for them to manage their financial affairs. However there was another reason, which was related to Leila's experiences as a member of a racialized religious minority that faced various forms of marginalization. Leila spoke of the economic and racial marginalization Muslim communities with a migrant background encountered in different Finnish neighbourhoods. She realized that the more visible Muslims were as families and communities, the more difficult it would become for policymakers and legislators to ignore their needs and challenges. She concluded that this meant that Muslims needed to be visible in various state registers, including the marriage register. She therefore decided to register her marriage as a form of resistance and activism.

Leila's marriage conclusion practices problematize the straightforward binary contrast between registered and unregistered marriages and point to the changing nature of Islamic marriage in today's Muslim minority and majority contexts. It also questions the focus on pious and religiously or-

ganized Muslims that often prevails in public and scholarly debates. At the same time it shows that for Muslims like her, who might simplistically be characterized as cultural non-observant Muslims, the Islamic legal system's meaning in life is complex and multidimensional. Leila was quite clear about not believing in marriage as a legal institution to be regulated by either civil or religious laws. However, it would be simplistic and misleading to characterize Leila as a typical 'postmodern' secular non-religious young person questioning traditional family structures and norms. Leila's sense of self also derived ethical meaning from her belonging to a Muslim family and community. Her ties and relations with her family were important; they were not taken for granted but were dynamically and continually sustained, navigated, and reproduced afresh. We therefore argue that her choice to conclude an Islamic marriage in her parents' country of origin was related to the relational dimension of her wellbeing.

Moreover, her decision to register the marriage in Finland later was also motivated by multiple factors related to both the material and ethical dimensions of her wellbeing. Pragmatic reasons and financial benefits made the registration of the marriage desirable; the registration of the marriage interestingly became part of her resistance to the economic marginalization and racialization of Finnish Muslims with a migrant background like herself. Leila's marriage conclusion practices therefore show that a singular notion of freedom of religion would be an inadequate framework for an understanding of her choices and the meanings she gave them.

Leila's marriage conclusion choices and the meanings she gave to these choices problematizes a simplistic oppositional binary of Islamic versus civil marriage. It illustrates the diversity of Finnish Muslim perspectives on the normativity of the different legal systems at play in their lives. It also highlights how the experiences of being the economically and racialized 'other' affect Finnish Muslims like Leila and influence her marriage conclusion practices.

Yet it is important to point out that unregistered Islamic marriage is the only possibility for some women and men because they or their spouses lack the legal documents required for registration. This is the case if one of them does not have residence or is based in another country and/or has difficulty providing the required documents such as proof of the end of a previous marriage relationship.

It is beyond the scope of this article to provide a detailed discussion of the capability approach (for this see e.g. Chiaperro Martinetti et al. 2020; Robeyns & Byskov 2021) – or its critique (e.g. Skerker 2004). For our purposes it is sufficient to open a view of freedom of religion from the perspective of

wellbeing that is based on our data, and to note that this marks a shift in the understanding of freedom of religion. Instead of understanding freedom of religion as a sphere of being free from state intervention or as a possibility to require certain rights or exemptions merely based on religious identity or group membership, we argue that issues related to freedom of religion should be approached by examining different workings of religious and state legal apparatuses and the kind of capabilities that are formed in these dynamics.

Conclusion

To conclude, we contest an understanding of the workings of Islamic family laws in Finland that is based on a binary notion of legal pluralism and freedom of religion. This framework, we contend, is premised on the notion of the freedom of Muslim minorities to organize their own marriages and divorces according to their religion-based laws, as well as on the need to regulate these practices to ensure their compatibility with the relevant state laws. Intertwined with this premise is another – namely, that this is an encounter between two bounded fixed legal orders, with the assumed higher authority of the Finnish legal system. We have argued that the main limitation of this conceptual framework is that it conceals important social, economic, political, racial, and familial processes through which family members negotiate Islamic family laws and Finnish state codes.

We propose instead the concept of wellbeing as an analytical tool for understanding how Finnish Muslims' encounters with the legal systems in their lives take place within daily processes of navigating their needs, aspirations, and challenges as members of transnational families and as racialized and marginalized members of the wider society. Our approach resembles that of the capability approach, which attaches moral priority to wellbeing and defines freedom in relation it. We argue that when we focus on these daily processes, we can go beyond singular and limited understandings of both religion and law. We can highlight the multidimensional, dynamic, and shifting roles and meanings that religion and law assume in the lifeworld of Finnish Muslims. We pay attention to the diversity and dynamism of Finnish Muslims' views and relationship with their religious tradition.

The implication of this understanding is that policies concerned with either protecting the rights of religious minorities or regulating family laws need to be based on a broad perspective that locates these issues within the larger questions of citizenship, social justice, and equal member-

ship in Finnish society. This also has conceptual implications for how we understand freedom of religion, especially in a legally pluralistic context. Viewed through the lens of wellbeing, freedom of religion becomes an issue of capability and how the state and its public sector may support it, rather than of a particular sphere of freedom being in collision with other freedoms or rights.

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TEMENOS
NORDIC JOURNAL OF COMPARATIVE RELIGION
Temenos Vol. 58 No. 2 (2022), 239–65
DOI: 10.33356/temenos.113467

A 'Nordic Religious Freedom Paradox'? Freedom of Religion and Belief as Constructed by Two Global Datasets

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Abstract

Major research initiatives like the Religion and State Project (RAS) led by Jonathan Fox and the Pew Research Institute's Government Restrictions series have in recent years produced major datasets measuring the global state of religious regulation and restrictions. However, these datasets challenge the image of the Nordic countries as pioneers of freedom of religion or belief. Yet some scholars have suggested the existence of the Nordic Human Rights Paradox: that although the Nordic countries promote humans rights globally, the implementation of human rights at home is not very convincing. This paper presents the two datasets and analyses the specific coding for the Nordic countries. The argument is that while the data in some cases point to the existence of a Nordic Religious Freedom Paradox, there are also discrepancies in how freedom of religion and belief has been operationalized by the two projects and in the Nordic countries.

Keywords: *freedom of religion or belief, Pew Research, government restrictions, religious discrimination, religious diversity*

One might suppose the relationship between religious freedom, democracy, and diversity was simple: that Western societies used to be strongly religiously homogenous, but that the emergence of modern societies saw the emergence of a religious diversity that is now prospering, assisted by the arrival and growing prominence of human rights in general and the freedom of religion in particular. However, this story has been scrutinized by scholars working from critical perspectives for some time (Sullivan 2005; Mahmood 2015; Hurd 2017). Yet recently, results emerging from a

very different position also pose questions for a simplistic narrative. The new challenge comes from the two international comparative projects, the Religion and State project (RAS), led by political scientist Jonathan Fox, and reports on government restrictions from the Pew Research Center research institute. Both emphasize that government restrictions have been in the ascendant globally, but most strikingly in the European stronghold of liberal democracies. Fox stresses that his results run counter to 'major and influential trends in the literature' (Fox 2019, 286) and mentions Norway as an example: '[B]y no means the most restrictive among Western democracies, [it] engages in substantial restrictions on religious minorities' (Fox 2020, 1). Similarly, in the Pew study Denmark is the only full democracy to be categorized as having heavy government restrictions on religion, a category otherwise occupied by authoritarian states (40 per cent), hybrid regimes (37 per cent), and flawed democracies (20 per cent) (Pew 2020). The questions these results prompt, based on two oft quoted and well-respected international datasets, are of the utmost importance. They allow 'big' questions to be investigated, such as the question of the link between religious freedom, liberalism, and democracies. The link is generally assumed to be so strong that when reference is made to a democracy, this tends to mean a 'liberal democracy'. This suggests that democracy is more than an electoral method; it also requires the protection of freedoms and rights as advocated by liberal ideas of natural or inalienable rights, that is, 'human rights' (Plattner 1998, 172). Analysing the Nordic scores in religious freedom indexes provides an entry into these questions. How is it possible that the Nordic countries, 'moral superpowers' in relation to international human rights (Langford and Karlsson Schaffer 2015, 1) and dominating the top tier of democracy indexes (Economist Intelligence Unit 2021), receive such an assessment of their treatment of religious minorities? How are we to interpret the relatively high levels of restrictions and discrimination affecting religious minorities in countries generally considered among the most liberal and democratic? Have the Nordic countries diverged from their ideals of human rights regarding religion? Or could it be that the findings are simply the result of how freedom of religion and belief (FoRB) is measured?

This article explores these questions by investigating the intersection of the standard statistical measures of religious diversity and human rights by Pew and the RAS and the handling of religion in the Nordic countries. The measures are important because the results they produce are not only part of scientific debates but are also taken up by the media, NGOs, and governments (Birdsall and Beaman 2020). However, the measures are not neutral

and may contain some bias, which crucially determines their results. Yet a critical approach to the instruments of measurement should not overshadow the fact that the measurements – even if they prove to be biased – may in fact reveal that the protection of FoRB in the Nordic countries is weaker than expected and requires scholars to think about why this may be the case.

Nordic exceptionalism and the Nordic human rights paradox

The presentation of the Nordic countries as human rights superpowers participates in the 'Nordic exceptionalism' narrative in which the Nordic countries differ from other countries in relation to welfare (Pedersen and Kuhnle 2017), gender equality (Teigen and Skjeie 2017), trust (Delhey and Newton 2004), and happiness (Martela et al. 2020). While the Nordic countries may basically be 'good societies', the narrative of 'Nordic exceptionalism' is also a brand that can be criticized for its opaque claims which may blind observers to inherent contradictions (Langford and Karlsson Schaffer 2015, 7).[1] Recently, some scholars have pointed to the existence of a 'Nordic Human Rights Paradox' – a contradiction between how the Nordic countries promote human rights internationally and their domestic implementation (Langford and Karlsson Schaffer 2015; Vik et al. 2018). The key idea in the concept of the Nordic Human Rights Paradox is that the Nordic countries, though they promote human rights internationally as part of their foreign policy and development aid, do not necessarily implement human rights fully at home.

Based on the relatively poor performance according to the measures Fox and Pew provide, the paradox also seems to apply to religious rights. Denmark, Norway, and Sweden have in recent years expanded their foreign policy focus on FoRB.[2] In 2019 the Danish foreign ministry appointed a Special Representative for Freedom of Religion or Belief. On the website of the foreign ministry his work to promote freedom of religion or belief (FoRB) in the UN and in the EU with 'likeminded countries' is presented as 'substantial'. In addition, with Sweden and Norway, Denmark has submit-

1 The claim is that it is often difficult to validate which factors have produced the phenomenon, the values supposedly determining policy are often only vaguely presented, mechanisms through which they gain importance are often not clarified, and change and variation over time or across cases are often not accounted for.

2 https://www.regjeringen.no/en/topics/foreign-affairs/human-rights/ny-struktur/freedom_religion/id2343410/ ; https://www.government.se/opinion-pieces/2018/07/religious-freedom-is-a-fundamental-human-right/; https://um.dk/en/foreign-policy/office-of-the-special-representative-for-freedom-of-religions-or-belief

ted a 'substantive input' to the formulation of the Declaration of Principles of the International Religious Freedom Alliance, which Denmark joined in August 2020. Denmark has also 'ensured that Freedom of religion or belief is among the priorities' of the EU's International Development Aid legislation (NDICI) and the EU Action Plan on Human Rights and Democracy. As a member of the Human Rights Council (2019–2021) Denmark played a key role in ensuring that FoRB issues were included in relevant resolutions.[3] This suggests the existence of a particular Nordic Religious Freedom Paradox: a version of FoRB is promoted abroad that is not implemented at home. However, it is noteworthy that the Nordic countries are not the only countries that 'actively promote FoRB as part of their foreign policy [but] actually have less than stellar conditions for religion and religious tolerance domestically' (Birdsall and Beaman 2020, 64). Denmark is thus in the same company as Germany, Hungary, the UK, and the US in having special envoys for FoRB and 'high' social hostilities involving religion and 'moderate' government restrictions according to the Pew data. This means the paradox may be a general paradox of which the Nordic countries provide a particularly clear example. Paradoxes are often indicators of cognitive or social structures being oversimplified and polarized (Lewis 2000). According to the sociologists of religion Olga Breskaya and Giuseppe Giordan human rights has a 'sociological potential of whether freedom research ... [which] remains untapped' (Breskaya and Giordan 2019, 2). They suggest that the normative and legal nature of rights has alienated sociologists. The convoluted character of legal documents discourages scholars lacking legal training or interest, and the strong normativity has prevented the asking of critical questions. Scholars working on the Nordic Human Rights Paradox share similar concerns, arguing for both the need for a more 'theory-driven approach' (Langford and Karlsson Schaffer 2015, 192–3) and 'fine-grained empirical work documenting how Nordic human rights policies have evolved over time rather than on more theorising on those policies' (Vik et al. 2018, 194). This article aims to contribute to these discussions based on a critical examination of FoRB in the Nordic countries from the perspective of the Nordic Human Rights Paradox. This means the aim is not to normatively evaluate whether FoRB in the Nordic countries is challenged but to explore the evaluation of data that constitute the basis of the claims of increased government restrictions and discrimination. The article will first present the measures and then the Nordic context of freedom of religion legislation

3 https://um.dk/en/foreign-policy/office-of-the-special-representative-for-freedom-of-religions-or-belief/parliamentary-debate-on-the-status-of-the-danish-forb-initiative/

and religious diversity, before addressing how they meet in the coding of the material on the Nordic countries from Pew and the RAS. It ends with a discussion of what may explain the Nordic freedom of religion paradox.

Measuring the regulation of religion

The Pew Research Center describes itself as 'a nonpartisan fact tank that informs the public about the issues, attitudes and trends shaping the world'[4] with the aim of enriching conversations and supporting decision making. Pew was established in 1990 by the Times Mirror newspaper company and receives the bulk of its funding from the Pew Charitable Trusts, a trust established by the children of the Sun Oil Company founder Joseph N. Pew and his wife.[5] Pew collects data on a large variety of subjects through surveys, documents, and interviews and has collected data on restrictions to religion globally in 198 countries and from 20 published sources of information, including reports by the US State Department, the United Nations, and various nongovernmental organizations since 2007. Since 2015 this is as full datasets with explanatory documents to allow the scholar to engage with the data (Pew 2020). However, the interest in government restrictions is just one of many interests of the research institute, which in relation to religion also includes worldwide datasets on religious affiliation and beliefs (Grim 2014).

The Religion and State (RAS) Project is a research initiative, which was established by the political scientist Jonathan Fox and is based at Bar-Ilan University in Israel. The project has been funded by the Israel Science Foundation and various other sources of research funding, presenting its aims as providing accurate descriptions of government religion policies worldwide and to create a greater understanding of the factors which influence government religion policy, and how government religion policy mutually influences other political, social, and economic factors.[6] The RAS collected data for 183 states (all countries with populations of 250,000 or more) in three waves RAS1(1990), RAS2(2008), and RAS3(2014), which include data on an annual basis between 1990 and 2014. To examine the question of discrimination in more depth, in 2014 the RAS developed an additional dataset, the Religion and State-Minorities dataset (RASM3), as part of the Religion and State Round 3 project (RAS3). The dataset measures religious discrimina-

4 https://www.pewresearch.org/about/
5 https://www.pewresearch.org/about/our-funding/
6 http://religionandstate.org/

tion against 159 religious minorities in 37 Christian-majority Western and European democratic countries between 1990 and 2014.

The overall interest of the RAS project lies in government religion policy with an emphasis on discrimination as reflected in the prominence of government-based religious discrimination (GRD), or 'government restrictions placed on the religious practices or institutions of religious minorities which are not also placed on the majority group' (Fox, Finke, and Eisenstein 2018, 887). The Government Restrictions Index (GRI) is prominent in Pew's material. Unlike the RAS, which does not present overall categorizations of countries but makes the scores of variables available (and downloadable) for different types of analysis, the Pew report result is based on a division of countries into the categories of very high (5 per cent), 'high' (15 per cent), moderate (20 per cent), and low (60 per cent) levels of restrictions (Pew 2014).

Pew's point of departure is three indexes (*government regulation, government favouritism,* and *social regulation),* developed to enable the production of cross-national data regarding the consequences of the regulation of religion (Grim and Finke 2006). The RAS makes similar distinctions, and the two datasets supplement each other well. The RAS collected data between 1990 and 2014 and has more than 100 relevant variables, measuring religious discrimination and regulation. It also has publicly available datasets specifically related to religious minorities. Pew has data from 2007–2019 and 20 variables specifically aimed at measuring government restrictions.

However, the question of FoRB is addressed quite differently in the two datasets. In Pew's datasets, the GRI is collected as responses to 20 questions and has a possible range of 0 to 10 (Center 2018). The index is specified in four subcategories: *government favouritism of religious groups*; *laws and policies restricting religious freedom*; *government limits to religious activities*; and *government harassment of religious groups*. Specific engagement with FoRB is therefore part of the index. The RAS approach to freedom of religion differs from Pew's to the extent that it attempts to avoid using the concept of religious freedom. Fox has identified nine different competing conceptions of religious freedom. Each conception (free exercise, religious persecution or repression, religious toleration, discrimination based on religion, neutrality/a level playing field, no minimum requirements for religious freedom, no separationism, no unclear laicism/secularism, religious discrimination) normatively defines how the state may react to religion in general and religious minorities more specifically (Fox 2017). Because there is no agreement concerning the precise meaning of the freedom of religion, and '[d]etermining which standard is the correct one is a normative issue that is

beyond the purview of this study' (Fox 2020, 26), the RAS refrains from it. Instead, GRD can be used, as even if one uses 'what is perhaps the narrowest of these definitions of religious freedom, any act of GRD violates all of these conceptions of religious freedom' (ibid.). However, in a 2021 article with Finke, Fox suggests that while human rights by definition focus on the individual, restrictions on institutions may affect the freedom of religion for individuals and thus constitute violations of religious freedom. Based on this logic, they draft the concept of Institutional Religious Freedom (IRF). IRF is claimed to be central for discussions of the religious freedom of minorities, as restrictions to IRF are greater for minority religious institutions than those against individuals, while the opposite is true for majority religions (Fox and Finke 2021, 17). IRF is measured based on four categories of government action. These are: 1) direct restrictions on religious institutions or clergy; 2) restrictions on institutions associated with religious institutions (religious education institutions, religious political parties and trade unions); 3) restrictions on communal prayer, religious rites of passage, and religious publications; and 4) restrictions on political speech by clergy or religious institutions. Based on these criteria, 19 of the 36 types of discrimination against religious minorities, and 19 of the 29 types of religious restrictions, violate IRF (Fox and Finke 2021).

Measuring FoRB

Engaging with the two different measures is a complicated operation, and I will therefore restrict myself to two tasks: I will first examine both measures to see if the general claim of an increase in government restrictions (Pew) or religious discrimination (RAS) can be substantiated in relation to the Nordic countries. Second, I will ask what consequences the change will have regarding FoRB in line with how the two projects are themselves connected with the concept. It will be part of both tasks to evaluate the fit between the measures and the religious landscapes and policies of the Nordic countries. Before analysing how these measures are used as measures of government restrictions and religious discrimination, I will therefore present them.

Context of freedom of religion in Nordic countries

The Nordic states are (relatively) small welfare states with populations between 350,000 (Iceland) and 10.2 million (Sweden) and strong support for publicly funded welfare institutions like schools, hospitals, and univer-

sities. The Nordic countries are very often presented as leading nations in the field of human rights, and support for human rights is widespread. For example, the Norwegian scholar Pal Ketil Botvar finds that upper secondary school students in Sweden and Norway are much more supportive of human rights than similar groups in Belgium, Germany, England and Wales, and the Netherlands. Unlike in the Nordic countries, there is relatively little support for human rights in these countries in relation to a personal religious position (Botvar 2015). Regarding religion, the Nordic countries are Lutheran majority societies with the Evangelical Lutheran Churches, historically state churches, retaining a relatively strong population base. As the only Nordic church, the Lutheran majority church in Denmark remains integrated with the Danish state to the extent that it can be categorized as a state church (Kühle et al. 2018). This does not mean that Danes belonging to other religions (or none) do not have FoRB. Article 67 of the Danish constitution (unchanged since 1849) states that 'Citizens shall be at liberty to form congregations for the worship of God in a manner which is in accordance with their convictions, provided that nothing contrary to good morals or public order shall be taught or done'.[7] In addition, in 2017 a new act, 'Act Regulating Faith Communities outside the Folkekirke', fulfils a promise made in the 1849 constitution of a law regulating the conditions of religious communities outside the majority Lutheran church (Kühle and Nielsen 2021; Lassen 2020). The act was thus 'a milestone in Danish legal history and the history of religion in Denmark': while to a large extent it simply codified and specified the previous regulation of faith communities outside the Folkekirke, the new act offered a more coherent framework for the registration of recognized religious communities (Lassen 2020). Article 11 of the Finnish constitution states that 'Everyone has the freedom of religion and conscience. Freedom of religion and conscience entails the right to profess and practice a religion, the right to express one's convictions and the right to be a member of or decline to be a member of a religious community. No one is under the obligation, against his or her conscience, to participate in the practice of a religion.'[8] In addition, the first Act on Religious Freedom (267/1922) was followed in 2003 by a new Act on the Freedom of Religion (453/2003), which like the Danish act on religious minorities also specifies the rules for the registration of minority religions. In Iceland the constitution's mentions of religion resemble those of the Danish constitution, but

7 https://www.thedanishparliament.dk/-/media/pdf/publikationer/english/my_constitutional_act_with_explanations.ashx

8 https://finlex.fi/en/laki/kaannokset/1999/en19990731.pdf

a new constitution has been discussed since 2013, and the proposal does not mention the Evangelical Lutheran Church by name. It substantially expands the protection of religious freedom by deleting reference to 'public order' and 'good morals' and instead formulates limitations as 'required in the name of democratic principles and necessities' (Landemore 2017, 777). In 2019 a subsidiary agreement meant that the staff of the majority church were no longer to hold civil service status and paid directly by the government. Funeral services are also delegated to religious and secular groups.[9] In Norway a 2012 constitutional reform formally abandoned the state church system. This meant that the constitutional paragraph which formerly stated that 'the Evangelical-Lutheran Religion remains the official religion of the State' was replaced by 'All inhabitants of the realm shall have the right to free exercise of their religion. The Church of Norway, an Evangelical-Lutheran church, will remain the Established Church of Norway and will as such be supported by the State. Detailed provisions as to its system will be laid down by law. All religious and belief communities should be supported on equal terms' (§ 16). The constitution explicitly mentions human rights: '§2 The foundational values remain our Christian and humanist inheritance. This Constitution shall ensure democracy, the rule of law and human rights' (Lovdata 2012; Botvar 2015; Kühle et al. 2018). In Sweden the separation of church and state in 2000 aimed to create a neutral and secular state which treated different religions more equally, though in some areas like burial services the majority church still functions as a public service organization (Pettersson 2011, 132), while article 6 guarantees 'freedom of worship: that is, the freedom to practice one's religion alone or in the company of others'.[10]

New religious rights legislation

It is characteristic in all countries that new and/or updated legislation has emerged within the last two decades, and that this legislation replaces ad hoc and untransparent administration, with a stronger commitment to the rights and plights of the religious minorities that choose to register. It is also characteristic that the Lutheran Church clearly remains a majority church, though ties have been loosened in all countries. However, the position of this church remains different from the other religious organizations due to

9 https://www.state.gov/wp-content/uploads/2021/05/240282-ICELAND-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf

10 https://www.riksdagen.se/globalassets/07.-dokument--lagar/the-instrument-of-government-2015.pdf

its special relationship to issues like burials, chaplaincies, and the position in relation to end of term or Christmas celebrations in primary schools (Kühle et al. 2018). The teaching of RE in public schools is non-confessional in four of the countries, while the Finnish model is 'weak confessional' (Ubani et al. 2020, 4), as the teaching is segregated based on religious affiliation. While most children attend ordinary primary schools in all the Nordic countries, Denmark has the strongest tradition of independent state-funded schools, some of which are based on Christian, Muslim, or Jewish values (Kühle et al. 2018, 113), but it is also possible to receive state funding for religious schools in Finland, Norway, and Sweden. Among more controversial issues Denmark has implemented pieces of legislation restricting 'undemocratic' preaching and donations since 2016, which may target religious minorities (Kühle and Nielsen 2021). Following the same argument, a ban on face coverings (the 'burqa ban') was adopted in Denmark in 2018, while Norway implemented a similar ban, but only at universities. Circumcision (of boys) is another controversial issue in the Nordic countries. The debates became especially intense after Iceland, 'known for its respect for human rights and natural contrasts of fire and ice' (Gunnarsdóttir 2018, 161) discussed a ban in 2018. Bans have also been discussed in the other Nordic countries (Akturk 2019). Overall, the coding of Pew and the RAS is therefore expected to reflect that the Nordic countries seem to have increased their overall concern for minority religions but also – and this applies especially to Denmark – to have an increase in specific restrictions related to so-called hate preachers and face veils, which target Islam, in particular.

Restriction of religion according to thePew Research Center

What happens when the two measures of government restrictions and discrimination encounter and assess the Nordic religious landscapes? Table 1 (in Appendix) shows Pew's GRI scores for the Nordic countries in selected years.

Table 1 provides three initial insights. First, while the scores of the different Nordic countries are in the same range, Denmark (and in 2007 Iceland) scores significantly higher than the other Nordic countries, and Finland and Sweden consistently score lower. This corresponds with the picture described above, meaning that talk of a Nordic pattern should not obscure the fact that Pew's approaches distinguishes between the countries within the Nordic region. Second, the data overall confirm Pew's general claim that government restrictions on religion are growing. The largest changes

are seen in 'Limits on religious activity', where the rise confirms (and even exceeds) the general European development, which is seen to have doubled over a 10-year period and is described as 'one of the largest increases in any of the five global regions analyzed' (Diamant 2019). Among other factors Pew associates the increase with the way that

> numerous European countries and cities have banned people from wearing religious symbols or religious clothing, either completely or in certain circumstances (such as at public service jobs or photographs for official documents). For example, France in 2011 outlawed full-face coverings, preventing Muslim women from being able to wear the burqa or niqab in public. And in Spain in 2010, several cities in Catalonia banned the burqa and niqab, as well as face-covering veils, in public buildings (ibid.).

This description fits with how Denmark, with a score of 4.7, was 'promoted' to the category of 'high restrictions' based on the 2018 'burqa ban'. The fact that the score dropped to 4.1 in 2019 suggests the developments Pew charts do not follow a simple pattern. Third, the highest levels of religious restrictions concerns 'Favouritism of religious groups' and 'General laws and policies'. It is these dimensions that drive the index, and while they are much more stable than the 'limits on religious activity' dimension, they also increase, and their contribution to the change in GRI is as significant as the contribution of 'limits on religious activities' and contributes more overall to the position of the Nordic GRI above the global median of 2.9. This means arguments based on Pew that government restrictions are severe in the Nordic countries are mainly a result of high scores in the 'Favouritism' category – that is, questions asking about whether some religious groups receive funding (GRI.Q.20), are recognized in the constitution (GRI.Q.20.1), have recent privileges (GRI.Q.20.2), or receive funds from the state (GRI.Q.20.3), but also whether religious education is taught in public schools (GRI.Q.20.4). All the Nordic countries, including Finland, score highly on these questions (with the possible exception of Sweden). Moreover, scores have increased, even if the countries seem to have moved towards more inclusion of minority religions. From a Nordic perspective, even for those critical of the privileged position of the majority churches, it is in fact difficult to understand why these questions measure government restrictions. On these grounds the GRI emerges as partly informed by a US-based wall of separation.

Discrimination on religious grounds in the RAS project

In the RAS dataset government-based religious discrimination (GRD) covers 36 variables, which directly measure religious discrimination and 29 variables, which cover 'Religious restrictions', and 52 variables, which concern 'Religious support'. Table 2 (in Appendix) presents the Nordic values for the different dimensions of GRD.

One of the results of the RAS is that '[w]ith a few minor exceptions both societal and governmental religious discrimination were present and increased between 1990 (or the earliest year available) and 2014 in 37 Western and European Christian majority democracies' (Fox 2017, 201). The data in Table 2 do not show a consistent pattern of change: six of the scores remain stable or decrease; nine scores increase. Indeed, the sum of scores for the two indexes decreases, and only 'Discrimination against minority religions' is increasing, driven mainly by a dramatic increase in discrimination against minority religions in Denmark, which doubles from five to ten. The variables driving the changes in the scores for 'Discrimination against minority religions' include restrictions on wearing religious symbols or having access to food appropriate to religious concerns. As with Pew, most of the coding seems to represent the developments in the Nordic countries well, but some variables are more puzzling – for example, 'mx28: Restrictions on the running of religious schools and/or religious education in general' – which is coded as increasing in relation to Sweden (but none of the other Nordic countries). What does this mean? Unlike in the United States, where private schools are ineligible for public funding, and where religion cannot be taught in state schools, many European countries, including the Nordic countries, allow the establishment of state-funded private schools with a certain religious profile if the school adheres to certain regulations. Schools in general may also either teach about religion or offer confessional religious education according to the religious belonging of the student (Berglund 2015). The coding of this category does not seem to represent a US bias, as Fox is aware that some countries like Canada have an education policy which 'is more closely related to religion' (Fox 2020, 205), and that restrictions may not mean that religion is unfree. State funding certainly changes the discussion, for funding necessarily entails control and some restrictions, which may constitute religious discrimination, even if the overall aim of the support is to include religious minorities in an education system in which religion plays a part. Unlike some of the other variables, the relationship between restrictions and discrimination is therefore quite complex. The Pew Research Institute finds that *religious restrictions* have risen globally, as well

as in the Nordic countries. The RAS project finds that *religious discrimination* has grown globally, as well as in the Nordic countries. How do these two results translate to the question of freedom of religion?

Freedom of religion in the Pew studies

The Universal Declaration of Human Rights, proclaimed by the United Nations General Assembly in Paris on 10 December 1948 as a 'common standard of achievements for all peoples and all nations', protects freedom of religion in article 18, which states that 'Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance'(UDHR).

This expression is central to Pew's engagement with freedom of religion, which is examined through the subcategory of laws and policies restricting religious freedom (Pew 2019, 2020); a category within which the Nordic countries scored particular highly. The coding is presented in Table 3 (in Appendix).

The relevance of the first three categories (GRI01-03) for discussions of FoRB is obvious, though the specific evaluation appears puzzling,[11] and the conclusion may be discussed: is it really the case that only the constitutions of Finland and Norway provide for '"freedom of religion" or include language used in Article 18 of the United Nations Universal Declaration of Human Rights'? (GRI01). That only Finland is assessed to protect religious practices without any contradictions (GRI02)? And that only Iceland has national laws and policies that provide for religious freedom, and the national government respects religious freedom in practice (GRI03)? As previously discussed, it seems fair to point to Denmark and Iceland regarding the wordings in the constitutions, as these date back to the nineteenth century and therefore predate the United Nations Universal Declaration of Human Rights, but this is not the background of the coding. The coding concerns the banning of slaughter without stunning and male circumcision and the possibility of wearing headgear in passport photos.[12]

11 For example, what does it mean 'to qualify or substantially contradict the concept of "religious freedom"' (GRI01)?

12 The Pew Research Institute has been very forthcoming in providing explanations for coding (email 29.10.21). They do in some cases reflect a lack of information. However, our concern here is not to assess whether the scores are adequate or fair but to examine what is considered a restriction on freedom of religion.

The two other questions (GRI14 and Q18) clearly target the practice of providing religious groups with the opportunity to register to be eligible for benefits such as tax exemption and the existence of a state organization that manages religious affairs. It is again possible to discuss the specific coding, but the concern here is the extent to which these questions should be part of a general measure of FoRB. The possibility for religions to register is very common among European countries and is by 'the European understanding of this right' (Flere 2010, 100) considered to conform with FoRB if registration is not a condition for religions to exist but a possibility that gives religious communities access to some privileges.

Freedom of religion in the RAS project

The RAS's assessment of IFR also points to registration as a practice that violates religious freedom (Table 4). The state and/or the majority church in cooperation with the state provide many of the other variables assessed as challenging religious freedom concern services in all or some of the Nordic countries. This may help us understand some of the mechanics behind the 'Nordic Religious Freedom Paradox'.

Nordic welfare states and the protection of FoRB

The point to stress may be that the Nordic countries' scores are quite favourable in many areas. For example, the Nordic countries' score a total of zero in GRI8 (Is religious literature or broadcasting limited by any level of government?) and GRI12 (Did the national government display hostility involving physical violence toward minority or nonapproved religious groups?), along with several other questions. Yet the scores in several other categories suggest that FoRB is precarious in the Nordic countries in the eyes of both Pew and the RAS. Why is this so? The two datasets differ in detail, but they share a concern with state engagement with religion as such. This concern is akin to what Lori Beaman and Winnifred Sullivan have called 'a particular historical allergy to the establishment of religion' (Beaman and Sullivan 2016, 3) in scholarly debates on religion–state relations. The allergy has its roots in US history and politics but has come to permeate global discussions of religion and state. This bias seems to be present in the assessments of registration as a problematic practice in both datasets and may lead to assessments of restrictions as too restrictive in several cases.

First, in the Nordic countries the majority churches are in continuing conversations with the state within the framework of the welfare state. The majority church's involvement in chaplaincies, education, and burial practices, for example, suggests that their position vis-à-vis the state may be described as semi-autonomous (Kühle et al. 2018, 89), and their overall relationship as intertwined (Christoffersen 2006), though the connotations of the latter may suggest a harmonious unity and neglect the fact that some social and cultural elements do not sit comfortably and result in friction and disharmony. 'Entanglement' could work as 'a more appropriate description and metaphor to suggest relationships, sites and values that are in a tangle' (Turner 2014, 542). Second, the Nordic welfare states in some cases distribute public funding to chaplaincies and private schools (Kühle et al. 2018), for example. Because the state also increasingly wants to distribute privileges to minority religious organizations, the new laws on religious minorities have installed procedures like registration to secure and widen the privileges only a few religious organizations have previously held. While there is no doubt that recognition procedures may be discriminatory (Lægaard 2012), states 'confront demands for the recognition of religious differences' (Hofhansel 2013, 90) and attempt to create a 'model of extented privilges' to extend the majority churches' privileged position to some minority religions (Sakaranaho and Martikainen 2015). The relationship between minority religions and the Nordic states is therefore complex and ambiguous – and perhaps increasingly so. The establishment and integration into the legal structure of the 'new religious diversity' are still a relatively new development in the Nordic countries, so things are often very much in the working. While some developments in the Nordic countries may limit FoRB – and the strong concern in Denmark to protect democracy from radical Islam may introduce discriminatory practices – some developments like an increased focus on registration, religious education, and chaplaincies may in fact suggest a greater inclusion of religious minorities. Beaman and Sullivan suggest that debates would profit from a critical examination of this and discharging it by '[a]ccepting the natural presence of establishment as a heuristic draws to the forefront some of the underlying assumptions of theoretical, legal and policy approaches to religious diversity and what has often been described as its management' (Beaman and Sullivan 2016, 6). The questions of the two international datasets are not always fine-tuned to this, yet they are helpful in opening a discussion of how 'patterns of religion–state governance produce difference in religious freedom regimes'(Breskaya and Giordan 2019, 4).

The 'Nordic Religious Freedom Paradox'

The datasets produced by Pew and the RAS thus paint a picture of freedom of religion for minorities in the Nordic countries as precarious due to restrictions and discrimination. However, the Nordic countries are strong supporters of freedom of religion globally. The disconnect between the global image of the Nordic countries as promoters of human rights and the image painted by these two datasets may be partly due to different understandings of religious diversity in the US and in the Nordic countries in particular and broadly in Europe. However, returning to the question of a 'Nordic Religious Freedom Paradox' adds a further dimension. Proponents of the Nordic human rights paradox explain the paradox as related to 'scepticism, at the domestic level, toward constitutionalism, judicial review and individual rights within the Nordic states by reference to national legal culture, democratic tradition and a certain constitutional temperament' (Langford and Karlsson Schaffer 2015, 1). This scepticism emerges in the evaluation of the formal protection of rights in constitutions, which Pew finds insufficient. From a Nordic perspective, manifestations may still be considered protected, even if they are not presented in 'human rights language'. It may indeed be part of the model of Nordic exceptionalism that this is the case, though it is also a general (Europe-biased) argument that the meaning of freedom of religion cannot be limited to the formulation in international human rights regimes (Breskaya and Giordan 2019, 4). Moreover, the Nordic countries are highly regulated, with laws and regulations ruling numerous aspects of both private and public life. For example, zoning laws are often very detailed, but while these 'localized dimensions of religious freedom' (Miller 2020) certainly can be a tool for curbing FoRB, the existence of restrictions for religious organizations, which resemble what similar organizations face, is probably not. While restrictions related to issues like circumcision on the one hand interferes with FoRB, on the other it is obvious that the state could feel called to ensure compliance with certain medical standards (Erlings 2022). In extensive welfare states like the Nordic countries it is much more likely that the state will prioritize the rights of the child over religious rights in the conundrum of balancing rights (Akturk 2019).

My aim is therefore not to criticize the measure but to point to how the questions prompted by the construction of the two international datasets are of the utmost importance, because they allow big questions to be posed like the question of the link between religious freedom and liberal and Western democracies which opened this article: how are we to interpret the relatively high levels of restrictions and discrimination against religious minorities

in countries generally considered among the most liberal and democratic? Anthropologist Saba Mahmood's studies of the governance of religious minorities in Egypt led her to claim that modern secular governance based on minority rights, freedom of religion, and equality may in fact create more inequality and provoke conflict (Mahmood 2015). For Mary Ann Glendon the problem is what she calls rights talk, which 'in its absoluteness, prompts unrealistic expectations, heightens social conflict, and inhibits dialogue that might lead towards consensus, accommodation, or at least the discovery of common ground' (Glendon 1991, 14). Rather than relying on courts settling who is correct or whose rights have been infringed, she suggests dispute resolution, a method that (through civil litigation, arbitration, or mediation) is widely used in the Nordic countries, with the state playing an active role in promoting social values (Petersen 2021). The tendency not to focus too much on (individual) rights per se but to place them within the context of social justice and societal cohesion is thus a key feature of the Nordic welfare states (Strang 2018).

The Nordic focus on human rights has been described as a branding issue (Kirkebø, Langford, and Byrkjeflot 2021, 191). Like the US-centred accounts of human rights history, Nordic exceptionalism is currently being critically examined and challenged (Vik et al. 2018, 191), with warnings being issued that 'the narrative structure of Nordic exceptionalism follows the same pattern as partisan and nationalist accounts of American exceptionalism' (Langford & Karlsson Schaffer 2015, 3). Obviously, one triumphalist understanding of freedom of religion should not replace another, and it is indeed likely that scholars around the globe will also find that the realities in their country do not match the questions if they perform a similar analysis. This does not mean that universal definitions of human rights should be rejected; they should be critically examined. For example, research on the Nordic human rights paradox rightly warns against placing too much emphasis on values, culture, or identity as the key causal factor (Langford and Karlsson Schaffer 2015, 2f.) and focusing on how human rights norms have been engaged with domestically (Vik et al. 2018, 193).

As both the Pew and RAS projects find societal conflict (social restrictions or discrimination) to be roughly correlated with the level of government restrictions/discrimination, an understanding of government restrictions and discrimination appears central to addressing the challenges of religious diversity. This endeavour appears especially likely to succeed if it is placed in relation to context-rich understandings of various human rights regimes, religion–state models, and types of societies.

Conclusion

Previously, questions of discrimination and restrictions placed on religion have rarely been addressed in research. The emergence of a clear transnational research and policy agenda charting both the situation of religious diversity and government restrictions and discrimination opens new research avenues. In this article I have analysed how the data from Pew and the RAS, which suggest a surprisingly high level of government-based religious restriction and discrimination in the Nordic countries, may partly result from a desire to extend to minority religions the privileges previously assigned only to the majority religion. The aim is not to claim that the positive image of the happy, equal, affluent human-rights-loving Nordic countries is either completely right or entirely wrong, but simply to say that the inclusion of religious minorities in highly integrated and strong welfare states is a difficult task that may take different forms. The measures we use, like any approach, form what we see, and which questions we can ask and investigate.

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Table 1. Government Restrictions Index

Year: 2007/17	Favouritism of religious groups		General laws and policies restricting freedom of religion		Harassment of religious groups		Limits on religious activity		Overall GRI			
									2007	2017	2018	2019
Denmark	8.0	9.3	6.3	5.7	0.7	1.4	1.1	4.5	2.5	4.1	4.7	4.1
Finland	3.0*	9.5	1.3	2.7	0.3	1.4	0.0	2.9	0.6	2.6	2.6	2.5
Iceland	8.0	10.0	5.7	4.3	0.7	0.7	1.4	5.2	2.6	3.7	3.7	3.7
Norway	6.7	7.3	2.7	2.7	1.4	1.4	0.0	3.8	1.5	2.9	3.2	3.2
Sweden	2.3	3.5	3.7	5.0	0.0	1.4	0.5	1.0	1.2	2.3	2.8	2.6
Average	5.6	7.9	3.9	4.1	0.6	1.3	0.4	3.5	1.7	3.1	3.4	3.2
Median	6.7	9.3	3.7	4.3	0.7	1.4	0.5	3.8	1.5	2.9	3.2	3.2
Global median**									1.8	2.8	2.9	

* I have been in touch with Pew Research Institute regarding this and other coding. The response was 'In terms of the increase since 2007, it may very well be that for 2007 this information was not taken into account, but it should have been. So you may be on the right track that the information for 2007 coding was incomplete' (email 29.10.21).

** The Pew Research Center uses medians to show global and regional differences in scores in the full indexes (GRI and SHI). This is done to limit the influence of a few outliers from the regional or global averages.

Table 2. RAS3.

	Discrimination against minority religions (36 variables)		Religious restrictions (29 variables)		Religious support (52 variables).	
	1990	2014	1990	2014	1990	2014
Denmark	5	10	16	17	17	17
Finland	1	4	6	4	11	12
Iceland	4	5	11	13	26	27
Norway	11	13	5	4	14	12
Sweden	10	12	11	6	16	14
Sum	31	44	49	44	84	82

Table 3. Nordic scores in Pew's general laws restricting religious freedom. Source: (Pew 2020)

GRI01 Does the constitution, or law that functions in the place of a constitution (basic law), specifically provide for 'freedom of religion' or include language used in Article 18 of the United Nations Universal Declaration of Human Rights?	
Yes	Finland, Norway
The constitution or basic law does not provide for freedom of religion but does protect some practices	Denmark, Iceland, Sweden
No	

GRI02 Does the constitution or basic law include stipulations that appear to qualify or substantially contradict the concept of 'religious freedom'?	
No	Finland
Yes, there is a qualification	Norway
Yes, there is a substantial contradiction and only some religious practices are protected	Denmark, Iceland, Sweden
Religious freedom is not provided in the first place	

GRI03 Taken together, how do the constitution/basic law and other national laws and policies affect religious freedom?	
National laws and policies provide for religious freedom, and the national government respects religious freedom in practice	Iceland
National laws and policies provide for religious freedom, and the national government generally respects religious freedom in practice; but there are some instances (e.g., in certain localities) where religious freedom is not respected in practice	Denmark, Finland, Norway, Sweden
There are limited national legal protections for religious freedom, but the national government does not generally respect religious freedom in practice	
National laws and policies do not provide for religious freedom, and the national government does not respect religious freedom in practice	

GRI14: Does the national government have an established organization to regulate or manage religious affairs?	
No	Finland, Iceland, Norway,
No, but the government consults a nongovernmental advisory board	
Yes, but the organization is noncoercive toward religious groups	Denmark, Sweden
Yes, and the organization is coercive toward religious groups	

GRI18: Does any level of government ask religious groups to register for any reason, including to be eligible for benefits such as tax exemption?	
No	
Yes, but in a nondiscriminatory way	Sweden
Yes, and the process adversely affects the ability of some religious groups to operate	
Yes, and the process clearly discriminates against some religious groups	Denmark, Finland, Iceland, Norway

Table 4. Institutional Freedom of Religion, RAS3 2014.

MX13 Buildings	All: Building, leasing, repairing, and/or maintaining places of worship are prohibited or sharply restricted, or the government engages in a severe form of this activity for most or all minorities
LX49 Registration	All: A registration process for religious organizations exists which is differs in some manner from the registration process for other non-profit organizations
Mx11 Burials	Finland, Norway: Burials are not significantly restricted for any, or the government does not engage in regulation. Denmark: Burials are slightly restricted, or the government engages in a mild form of restrictions for some minorities Iceland, Sweden: Burials are slightly restricted for most or all minorities or sharply restricted for some.
Mx05 Circumcisions	Sweden: Circumcisions are slightly restricted, or the government engages in a mild form of this practice for some minorities.
Mx28 Religious schools or religious education in general	Denmark, Iceland, Norway: Religious schools or religious education are not significantly restricted for any minorities. Sweden: Religious schools or religious education are slightly restricted for some minorities. Finland: Religious schools or religious education are slightly restricted for most or all minorities or are sharply restricted for some of them.
Mx16 Ordination of and/or access to clergy	Finland, Norway, Sweden: the government does not engage in ordination of and/or access to clergy Denmark, Iceland: Ordination of and/or access to clergy is slightly restricted for some minorities.
Mx18 Access of minority clergy to jails compared to the majority religion	Denmark, Finland and Iceland: Access of minority clergy is not significantly restricted for any minorities Sweden: Access of minority clergy is slightly restricted for some minorities. Norway: Access of minority clergy is slightly restricted for most or all minorities, or access is restricted for some of them.
Mx19 Access of minority clergy to military bases compared to the majority religion	Sweden: Access of minority clergy is slightly restricted Norway: Access of minority clergy is slightly restricted for most or all minorities, the government engages in a mild form of this practice, or the activity is sharply restricted for some of them, or the government engages in a severe form of this activity for some of them.
Mx20 Access of minority clergy to hospitals and other public facilities compared to majority religion	Sweden: Access is slightly restricted Norway: Access is slightly restricted for most or all minorities, the government engages in a mild form of this practice, or the activity is sharply restricted for some of them.

TEMENOS
NORDIC JOURNAL OF COMPARATIVE RELIGION
Temenos Vol. 58 No. 2 (2022), 267–70
DOI: 10.33356/temenos.124826

Book Reviews

Matthew J. Kuiper: *Da'wa: A Global History of Islamic Missionary Thought and Practice***.** Edinburgh: Edinburgh University Press, 2021, 319 pp.

Matthew J. Kuiper is an assistant professor of religion at Hope College, USA. His latest book, *Da'wa: A Global History of Islamic Missionary Thought and Practice*, covers Islamic mission, *da'wa*, from its beginnings until the twenty-first century. Kuiper's previous book, *Da'wa and Other Religions: Indian Muslims and the Modern Resurgence of Global Islamic Activism* (Routledge 2017), deals with the same topic, though from a more geographically restricted Indian perspective. In *Da'wa and Other Religions* he focused on the Tablighi Jamaat movement and the Salafi preacher Zakir Naik and his Islamic Research Foundation, both of which are influential in contemporary global *da'wa*.

Da'wa: A Global History of Islamic Missionary Thought and Practice is divided into two main parts. The first focuses on the scriptural roots and premodern history of *da'wa*; the second on the modern world. The chapters include a range of text boxes, figures, and maps to supplement its key narrative. All the chapters end with summarizing conclusions that are very useful for reminding oneself of the key content, as the book includes an immense amount of detail in which one could easily drown. Moreover, the volume has clearly been written for educational purposes.

'Islam is a missionary religion' (p. 1), reads the first sentence of Kuiper's book, but academic Islamic mission theology, or in Kuiper's neologism *da'walogy*, is not well developed. *Da'wa* is usually understood as 'calling', 'inviting', and 'summoning' to Islam (p. 4), and it has risen to new prominence over the last century and a half, making it 'a pervasive and powerful concept in contemporary Islamic thought and activism' (p. 5). Here Kuiper strikes a chord, as anyone who has been following contemporary Islam cannot but be astonished by the massive amount of resources and effort being invested in Islamic missionary work by numerous states and independent Islamic organizations.

Kuiper's key analytic conceptualization in the book is the distinction between *Meccan da'wa* and *Medinan da'wa*. Meccan *da'wa* refers to a missionary invitation, and it is often non-political in nature and/or provided from a position of less political influence. It is suitable for mission in a minority position. Medinan *da'wa* is in Kuiper's words a 'religio-political summons', a call to join an Islamic political movement and to proclaim one's loyalty to it. It is delivered from a position of power or in the quest for it (p. 13). The Meccan–Medinan distinction refers to Prophet Muhammad finding himself in a minority position while in Mecca and only gaining political power after his migration (*hijra*) to Medina. Besides the above distinc-

tion, Kuiper also uses the concepts of Islamization and conversion to highlight the broader societal and individual processes and changes related to outcomes of successful *da'wa*.

The first part comprises four chapters, and they proceed in a mainly chronological order. Kuiper starts with a presentation of *da'wa* in the Qu'ran, which he summarizes as follows: 'the Qu'ran leaves open the question of whether *da'wa* is chiefly a polemical exercise, driven by an exclusivist theology of religions, or an exercise in finding common ground, driven by an inclusivist theology of religions' (p. 35). Muslims therefore need to turn to Prophet Muhammad and his companions to find answers to the specifics of *da'wa*, a matter in which the biographies of Muhammad and *hadith* literatures become important. In these sources *da'wa* comes in many forms, including *da'wa* through dialogue and debate, the noble Islamic character, Qu'ranic recitation, miracles, preceding military engagements, and martyrdom.

Having set the scene, Kuiper turns to the time after the Prophet's death in 632. He believes Islam was initially seen as the religion of the Arabs, and early Islamic expansion was more about territorial expansion than it was religio-cultural in nature. However, with both expanding and prolonging Muslim rule, the question of conversion and Islamization became increasingly salient. Moreover, increasing internal divisions within Muslim peoples add complexity to the issue: 'Da'wa is not merely about the missionary propagation of Islam to non-Muslims, but also about active efforts to persuade or compete with other Muslims in the religious (and sometimes also political) sphere' (p. 85). Over several hundred years a primarily tribal Arab religion thus became an internally diversified powerful conglomerate of lesser kings and a multi-ethnic empire. Turning to the second millennium, we see a continuing expansion of Islam that was met by Turkic peoples and later Mongol rulers turning to Islam. Kuiper calls these events 'Islamisation through in-migration' (p. 93) and 'Islamisation by royal example or expectation' (p. 99). We should also note that Sufi brotherhoods gradually came to play a pivotal role in the spread of popular Islam. Muslim merchants were also important for *da'wa*. Eventually, *dar-al islam* reached its contemporary borders, spanning from South-East Asia to Morocco.

The second part of the book opens with a brief historical overview that helps understand the transformations of Islam in modernity, during which European colonial powers subdued most of the Islamic world. Thus, 'Muslims worldwide were confronted with the realisation that they were living in a world not of their making' (p. 158), leading either to tangible or felt minoritization. European modernity, including modes of organization and communication, were gradually adopted by Islamic actors, leading to significant changes in the practice

of *da'wa* too. In broad brushstrokes Kuiper sees three main alternative visions of the Muslim thinker in approaching modernity. Modernists attempt to update the Islamic faith to be in line with scientific and liberal values. Reformists aim to remove un-Islamic innovations and desire to return to the Qu'ran and *sunna* of the Prophet. Salafists, a subgroup of reformists, have focused on *da'wa*. Islamists target political power and aim to bring all life under Islamic control (p. 136f.).

Kuiper divides modern *da'wa* into two periods. The first lasts from circa 1850 to 1950. It coincides with European colonialism. The colonial period launched numerous examples of Meccan *da'wa*. Muslims 'embraced quietist styles of mission which were oriented towards grassroots preaching, education and renewal' (p. 197). They also copied and modified techniques from Christian missionaries and missionary societies, including pamphlets, schools, types of training, and international conferences. For many movements quietism was a strategy rather than an absolute withdrawal from political ambitions. The period also brought the many internal divisions among Muslims, but perhaps most importantly, the role of Muslim women and mothers as teachers of future generations was widely acknowledged. A wholly new role for laypeople had emerged.

The second phase of modern *da'wa* starts around 1950 and lasts until today. Its characteristic features include a growing religious marketplace, mass mediated Islams, and an increasing diversity of actors engaged with *da'wa*. The postcolonial age also witnessed the growing petrodollar wealth of many Muslim-majority states and individuals, which led to a huge resource flow into *da'wa*. The traditional Islamic authorities have had to conform to modern communications requirements, including the challenge from satellite television and internet superstar preachers. During this period the concept of *da'wa* has also been massively popularized, and Muslim-minority populations in developed countries have grown to greater prominence, including even widely known Muslim intellectuals. We are experiencing a renewal of *da'wa*, as Kuiper writes: 'If we speak of da'wa actors, they number not in the dozens or even hundreds, but in the millions' (p. 250). Both Meccan and Medinan *da'wa* orientations remain strong.

Da'wa: A Global History of Islamic Missionary Thought and Practice is designed as a university course book and will certainly work well in that context. However, the book is a major accomplishment in itself in providing a concise summary of the development of *da'wa* over fourteen centuries. Kuiper's notions of Meccan and Medinan *da'wa* are a useful shorthand for discussing how Islamic actors relate to the propagation of the Islamic faith in different contexts. Moreover, Kuiper's final chapter on the tremendous growth of *da'wa* actors in the last century and a half simply begs for more attention

to this phenomenon. Altogether, *Da'wa: A Global History of Islamic Missionary Thought and Practice* is a must-read for many scholars of Islam and a useful resource for others interested in contemporary religious life in which Islam is part of the picture.

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TEMENOS
NORDIC JOURNAL OF COMPARATIVE RELIGION
Temenos Vol. 58 No. 2 (2022), 271–3
DOI: 10.33356/temenos.124827

Jehu J. Hanciles: *Migration and the Making of Global Christianity*. Grand Rapids: William B. Eerdmans Publishing Co. 2021, 461 pp.

After Jehu J. Hanciles had written *Beyond Christendom: Globalization, African Migrations, and the Transformation of the West* (Orbis Books, 2008), his audience begged for answers about the broader role of migration in Christian history. To better address this question, Hanciles embarked on a seven-year journey. Its outcome is *Migration and the Making of Global Christianity*, which examines the role of migration in spreading Christianity from its beginnings until around 1500. The emerging colonial era marks a natural shift, as it initiates the age of European rule around the world. Jehu J. Hanciles is Professor of World Christianity at Emory University, USA. He continues the seminal work of Philip Jenkins in discussing global Christianity, something Jenkins notes in his brief foreword to this volume.

Hanciles defines his perspective as follows: 'This study provides a historical assessment of the global spread of Christianity, with migration as the central lens or explanatory key'(p. 1). Although he acknowledges that a direct correspondence between migration and the spread of Christianity cannot be claimed, as this 'would be wildly inaccurate' (p. 2), he suggests that human migration has been very significant for Christianity, though with 'mixed results' (p. 2). The book defines human migration as 'subject to constant change, marked by varying degrees of compulsion (or freedom), and shaped by wider structures and historical processes' (p. 19). Hanciles' approach is fundamentally theoretical. His sociohistorical premises are three distinct academic areas of enquiry: migration theory; conversion studies; and the theologies of migration and mission.

Hanciles is sensitive to a great variety of types of migration and mobility, including captives, government administrators, and the military, that are not usually the focus of migration studies (pp. 21–29). Moreover, he naturally provides a special note about religious migrants and sojourners like monks, priests, and pilgrims (pp. 29f.). Travel was also time-consuming, as 'long-distance travel was slow, laborious, expensive, and dangerous for most' (p. 37). The most common migrants were 'government envoys, merchants, soldiers, nomadic pastoralists, and religious pilgrims' (p. 37). Most moved on foot, as animals were expensive, and waterways were not always available.

On conversion, the study relies on the classic work of Lewis Rambo, but as 'Rambo's analysis does not attempt a comprehensive historical overview' (p. 63), Hanciles adds to this approach that of Marc Baer. Baer has identified four main historians' views of conversion types: acculturation as cultural change; adhesion (hybridity) as the adaptation of new beliefs and practices; syncretism; and transformation as de facto conversion. Hanciles reframes Baer's types as *Christianization*, relating it primar-

ily to broader societal change. Finally, Hanciles adds agency to the stew by noting the differences between '(1) conversion through voluntary association; (2) conversion induced by political, social, or economic pressure; (3) conversion by assimilation' (p. 73). Altogether, Hanciles builds a multifaceted conceptual toolbox to allow a discussion of cultural and religious change as conversion to Christianity. Obviously, finding the data on historical conversions is more than tricky, but Hanciles has meticulously searched for illustrative examples in the later chapters, while admitting the limits of data availability and the problems in its interpretation.

The final introductory chapter focuses on the theology of migration and mission, providing a perspective that makes this book unique among the other treatises of migrant religion I know. Hanciles discusses at length various Biblical concepts used for sojourners, foreigners, and other related categories, as well as their many interpretations. With numerous illustrations he shows that human mobility is a fundamental feature of the Bible, and that several key myths are embedded in migration. For example, both the Jewish exile and captivity in Babylon and the Israelite Exodus from Egypt to Canaan are central narratives for Jews and Christians. Hanciles notes two differing Christian understandings of migration. First, migration is related to disaster and deprivation and is thereby punitive in nature. Second, migration may also be related to a better future and is thus redemptive. In any case, Hanciles correctly observes that the Bible's numerous stories are a key repertoire for Christian migrants, by which they make sense of and give meaning to their experiences on the road.

Having presented his overall framework on migration, conversion, and theology, Hanciles examines the spread of Christianity from the Roman Empire to all the points of the compass in six substantive chapters. Refreshingly, the book gives a large role to the Oriental and Orthodox Churches. While crediting conqueror kings and the deeds of religious specialists in spreading Christianity, Hanciles pays serious attention to the grassroots developments – 'bottom-up' in his terminology – especially among merchants, neighbours, slaves, and wives.

Hanciles associates Christian growth during its first centuries with the urban centres in Asia Minor, which afforded plenty of bottom-up opportunities to witness to one's faith, which he assumes was the main way to attract new followers. Elsewhere in the Roman Empire Christianity was a migrant religion, one among others. As today, large cities needed a constant supply of labour, so Christian communities started to emerge around the Empire. As a mobile population, merchants were especially equipped for mission, but so were captives, artisans, and soldiers as the number of Christians increased. Moreover, Hanciles highlights the role of upper-class women as key, first in their own

conversions and later in encouraging their husbands and children to follow their example. He thus also downplays the role of religious specialists, apostles, and others at a time when Christianity was occasionally strongly persecuted. By the turn of the fourth century Jesus's minuscule group of followers had come to constitute some 10 per cent of the empire's population. The church had a presence in all corners of the Roman world. It was then that Constantine I raised Christianity to new prominence.

The following chapters examine the spread of Christianity outside the Roman world and often in a minority position. The emerging division between the Roman and Oriental Churches is noteworthy, as well as the later division between Roman Catholicism and Greek Orthodoxy, including the waning success of the Byzantine Empire and the rise of Islam. In this context 'Christian captives became important agents of the interregional spread of Christianity in the first millennium' (p. 190). With spells of persecution Christian minorities lived in the Persian and other realms, where they could use existing imperial territories to expand through migration and trade. The vast expansion of the third main branch of old Christianity, the Eastern/Persian/Nestorian Church, to Central Asia, India, and China is still less known, mainly because of its later misfortunes, as it has largely been wiped out from its previous lands. The rise and fall of the Eastern Church occupies a prominent place in Hanciles's discussion.

Without going into detail it seems fair to agree with Hanciles that 'the proclivity in Western scholarship for explaining major historical change, including transregional spread of religion, in terms of state action or formal structures of political power and economic self-interest' (p. 269) has been at the expense of a failure to realize how central and formative human mobility in all its aspects has been to the spread of Christianity. It was not only monks, missionaries, and religious specialists who played a role – often much less than expected – but the ordinary man, merchant, and captive were perhaps of even greater salience.

This book is a wonderful and thought-provoking addition to the literature on religion and historical migrations that is both sensitive to social scientific knowledge on migration and theological considerations of human mobility. I highly recommend it to everyone interested in global migration history, as well as those particularly interested in the intersection of religion and migration. Human mobility is essential for church history, and Jehu J. Hanciles has provided us with a perspective that – I hope – will find its readers and be an inspiration for many future studies of the subject.

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TEMENOS
NORDIC JOURNAL OF COMPARATIVE RELIGION
Temenos Vol. 58 No. 2 (2022), 274–7
DOI: 10.33356/temenos.124929

Nancy Tatom Ammerman: *Studying Lived Religion: Contexts and Practices.* New York University Press, 2021, 257 pp.

Nancy Ammerman has contributed considerably to the development of theoretical and analytical categories for studying lived religion, not least by reviewing and characterizing the widespread diverse contributions to the field and calling for a focus on lived religion in interplay with both institutional contexts and multivoicedness (Ammerman 2016). The latter endeavour makes Ammerman's conceptualization of lived religion especially interesting in a Nordic context, where church adherence is in many ways intertwined with society, tradition, and cultural practice (e.g. Nielsen 2019).

Building a lived religion analytical tool

The book has three main parts. Part I, *The Big Picture,* presents a theoretical premise for a lived religion study, focusing on *practice* and *contexts*. Part II, *Zooming In,* unfolds seven interrelated dimensions of lived religious practice. The book's concluding chapter is not entitled Part III but works almost autonomously, presenting a lived religion methodology: a beginner's guide to empirical studies of lived religion, encompassing various references to key publications for further study.

The Big Picture consists of two theoretical preconditions for studying lived religion. The first chapter ascribes lived religion to the field of theories of practice. Practice theory here leads the way for the argumentations in subsequent chapters: that practices are always social and contextually embedded (Chapter 2); and that they should be studied as multifaceted yet embedded in material and mental structures (Chapters 3–9).

Part I's second preconditional chapter presents a fivefold typology for the contextual embeddedness of religious practices. The argument is that a practice's recognition as religious demands cultural alignment. Ammerman seems to use this focus on cultural context to oppose a contemporary secularist and reductionist understanding of religion. She demonstrates that religious institutions still play a role in the development of seemingly secular societies and thus follows suit from her review article in 2016 (Ammerman 2016). Meanwhile, she also emphasizes that religious practice remains to be explored outside institutional religious contexts in line with the early focus of lived religion perspectives (Orsi 1985; McGuire 2008). Moreover, Ammerman presents a fifth option for recognizing the role religion plays, especially in colonized contexts.

In Part II Ammerman constructs an analytical apparatus with seven dimensions of lived religious practice on the foundation of practice theory she presents in the first chapter. Six of these dimensions can be characterized as general practice theoretical informed aspects of practice, which moves from material

dimensions into the mental realm: from embodiment and materiality through emotion and aesthetics to morality and narratives. Ammerman includes a seventh aspect as a prerequisite for the others: *the spiritual dimension*, which she argues distinguishes lived religious studies from other practice theoretically informed research methodologies. Part II's chapters build on this dimension step by step.

Chapters 3–9 are similarly composed, demonstrating how respective practice dimensions are social; what the respective practices do; how perspectives of boundaries and differences are inherent; and how the dimension in focus is related to these dimensions. While the clear structure and distinction of seven dimensions is a noteworthy attempt to construct an applicable operationalized tool, it also deliberately dismantles itself by describing and demonstrating the dimensions' entanglement. Ammerman thus recognizes that methodological clarity is one thing; the reality of lived, messy practices another.

Further paths for development

Studying Lived Religion contributes to its field by proposing a coherent framework of lived religion as a research strategy. Throughout the book Ammerman builds her argumentation on an interplay between theoretical concepts and exemplifications of lived religion from a rich corpus of cases from various geographical, religious, and research contexts. This approach is powerfully explanatory, as she demonstrates the method in use by letting practice and data speak.

Much of the content will seem quite familiar to researchers already invested in lived religion research. However, *Studying Lived Religion* may function well as a textbook for novices in the field because of its introduction to the field and methodology, its overall tool character, and each chapter's extensive endnotes suggesting further readings and discussions in the study of lived religion. Our book review should be seen in this light.

Studying Lived Religion's breadth has considerable qualities, with an overarching concept of practice unfolded in various interrelated aspects and triangulation between the rich corpus of cases from different contexts – not least when the book is also viewed as a concrete research tool for novices. However, the quality in breadth is not fully matched in depth. The two new areas adhering to the subtitle of the book, *contexts and practices*, have research potential, but they also seem to need more work. The same accounts for the definition of *the spiritual dimension*.

While foregrounding practice theory from the outset, direct references to practice theoretical contributions are scarce. Yet there is no critical assessment of its possible consequences for the lived religion paradigm to conjoin it to the rather broad and ununified field of practice theories. For example, two unresolved questions remain: 1)

What distinguishes practice from any type of action? 2) Are lived religious actions necessarily practices intertwined with social bounding?

Ammerman's attempt to define the various contexts that may frame lived religious practices should be applauded. The contexts presented are naturally ideal types, but as such they may function to outline the setting in which we observe and analyse lived religion. However, it is difficult to distinguish some of the context types clearly from each other, and it would therefore have been very valuable if the types had been applied more consistently in Part II.

The fifth type – the post-colonial context – outlines a perspective departing from a Western-centric preoccupation of lived religion. This endeavour is demonstrated in Part II through the expansive incorporation of examples that represent a geographically and religiously broad layer of experiences, as well as a focus on issues of *difference* and *boundaries* as a refrain in all the part's seven chapters.

There are also specific mentions of lived religious heritage from feminist and postcolonial theory. A critique of this otherwise noble objective is that the definition of power is incomplete from a sociological perspective. In sociology it is common to understand power as a given in human relations. This book's inherently postcolonial criticism views power as only an evil to overcome. Accordingly, the role of power in social relations could be more nuanced.

Ammerman's inclusion of a 'spiritual' dimension with the other six dimensions of practice is intriguing. Yet in Chapter 3 'spiritual' appears synonymous with 'religious' in a manner which presupposes transcendence. As spirituality remains a scholarly contested concept, it seems problematic that Ammerman does not define spirituality and religion more clearly. Given her sparse definition of practice, the consequence is that spirituality is posited as a foundational concept for subsequent features, while it is not itself clearly defined or discussed beforehand.

From a Nordic perspective questions might be asked about some of the categories' analytical strength: for example, which of the proposed context types more sufficiently explains the low attendances in the Danish folk church, entangled as it is with the Danish state and cultural heritage? What could a Nordic (protestant) stance on individual spirituality as something different from institutional religion add to the categories' interchangeable use? Do we recognize the Scandinavian example of replacing institutional religious experience with awe of nature (p. 107)? More importantly, if we do not, how should we consider the other examples, for an evaluation of which we lack the same contextually embedded access?

We hope the field of lived religion scholars will continue Ammerman's quest for a coherent lived religious framework to enhance 1) explorations of the intertwinement

between spiritual and general aspects of practice to investigate both these categories with more nuance and 2) discussions on the plausibility of defining possible contexts of religion in societies and cultures. This requires lived religion scholars to seek to include a wide range of methodological, geographical, and religiously oriented nuances in conversation with the perspectives it seeks to represent to take the step fully out of its North American situatedness.

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