FOUNDATIONS OF SECULARITY: GLOBAL EXPERIENCE AND KAZAKHSTAN

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A B S T R A C T

The paper examines the methodological approaches and the conceptual foundations used to assess the degree of secularity in Western political thought.

The concepts of secularity and secularism appear and develop due to historical, social, economic and cultural specifics of each particular society, and different factors, social

transformations and the changing role of religion in public space among them, revise the content of these concepts.

The paper discusses two main trajectories of such changes in the correlations between religion and politics that contributed to the development of secularity models as they are known today. It offers a clear interpretation of the concepts of secularity, the secularity principle, secularism and secularization and an analysis of the main models and interpretations of secularism and the socio-political factors that affect each of the secularity models.

The contemporary religious situation and religious politics of Kazakhstan, as well as the political experience of identifying the principles and criteria of secularity in the republic that synthesizes foreign experience and the specific features of interpretation of secularity inside the country are reflected in the paper.

I n t r o d u c t i o n

The unfolding desecularization processes and religion that returned to public space pose the democratic secular states with difficult tasks. They need to arrive at new approaches to the conceptualization of secularity and secularism and identify the place and role of religion in the world, which since the mid-20th century has been dominated by the secularization theory that predicted an inevitable collapse of religion as a social influence factor. While developing the secularization theory, social sciences conceded that religion was marginalized and measurably pushed out from public to private space by modernization processes. Today, political and academic communities all over the world are confronted by post-secular realities of religious dynamism and a reestablishment of religion as part of politics, economy, culture and public space. Peter L. Berger, one of the prominent figures in the unfolding secularization/desecularization discussions, has written: "The world today, with few exceptions ... is as furiously religious as it was" and "Today the world is massively religious, is *anything but* the secularized world that had been predicted ... by so many analysts of modernity;" "...experiments with secularized religion have generally failed."[1]

The above confirms that the secularity problem and the role and place of religion in the post-secular society is moving to the fore as one of the actively discussed issues both in social sciences and even in a wider public space. In the last three or four decades the number of studies in political science, international relations, sociology and social anthropology related to different patterns (processes) of secularity, secularism and desecularization unfolding in post-secular societies has considerably increased. Kazakhstan is trailing behind: so far, its academic community has not studied in detail the concepts of secularity, the principle of secularity, secularism, secularization, different types and models of secular states to say nothing of desecularization and post-secular society, the topical subjects actively discussed by the world academic community. This explains why the public discourse of a secular state in Kazakhstan is either superficial and one-sided or practically absent.

The political elite and power prefer a narrower interpretation of the state secularity principle, an echo of the Soviet ideological understanding of the role of religion in society and an ignorance of

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[1] P. Berger, "The Desecularization of the World: A Global Overview," in: *The Desecularization of the World: Resurgent Religion and World Politics,* ed. by P.L. Berger, William B. Eerdmans Publishing Company, Grand Rapids, MI, 1999, pp. 2, 9, 4.

the variety of secular states and fundamental scholarly works on the legal and political nature of secularism. Public manifestations of religion in state structures are not encouraged or even banned, which is explained and justified by the secular nature of the state. The solutions for these problems related to religious politics can be found in a deeper comprehensive interpretation of the secularity principle, an analytical separation of the concepts of secularity, secularism and secularization and conceptualization and development of the liberal interpretation of secularism. The paper attempts to fill the gap with a more liberal approach to secularity based on an analysis of the key works on secularism and the secular state.

Main Approaches
to the Interpretations of Secularity
in the European and American Traditions

The secularity of state is one of the basic foundations of the majority of contemporary law-governed states, upon which they are built and continue to function.[2] According to the index of the state-confessional relations modes, 12 states out of 197 are religious states; 60 are states with an established religion; 5 are antireligious states; 120 are secular states, where the secularity is established by law.[3] Each of them understand and interpret the principle of secularity according to the specifics of their religious situations and public discourse of the role and place of religion in public space.

Clearly, the concepts of "secularity" and "secularism" take shape and develop according to the historical, socio-political, economic and cultural specifics of any concrete society. Their content is modified by numerous factors, social transformations and the changing role of religion in public space. Over the last two centuries the world has seen numerous models and interpretations of secularism. Today, the public and academic communities are discussing the secular state and its desirable and undesirable forms. In most cases, it is these discourses that determined the nature and the course of the policy of secularism in some of the democratic states.

Without going too far into the history of these concepts, the paper points out that the concepts of secularity and secularism as construed today are the products of centuries-long confrontation between the church and the state. The conceptual foundations of secularism were formed in the context of Western European socio-political realities as a result of fairly complicated relationships between these two institutions. For instance, José Casanova, a prominent sociologist, has stated that all deliberations about a secular state should begin with an admission that "the formation of the secular is itself inextricably linked with the internal transformations of European Christianity."[4]

Elizabeth Shakman Hurd, another prominent scholar, has pointed out that laicism and Judeo-Christian secularism, the most influential factors of international relations are two basic trajectories, or strategies of managing the relations between religion and politics. The former belongs to the separation narrative, in which religion is banned from politics. The latter, to the accommodational narrative in which the Judeo-Christian secularism occupies a special place in public space as a unique cornerstone of secular democracy. Both forms of secularism can be described as inconsistent, since these traditions invariably change to fit any specific geocultural area. Elizabeth Shakman Hurd

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[2] See: N.V. Ponkin, *Svetskost gosudarstva,* Uchebno-nauchny tsentr dovuzovskogo obrazovania, Moscow, 2004, p. 25.

[3] See: A.T. Kuru, *Secularism and State Policies toward Religion: The United States, France and Turkey*, Cambridge University Press, Illustrated Edition, 2009, p. 12.

[4] J. Casanova, *Rethinking Secularization: Global Comparative Perspective*, Hedgehog Review, Critical Reflection on Contemporary Culture, 2006, p. 10.

deemed it necessary to explain that each defends a certain form of separation of church and state for different reasons, in different forms and with absolutely different political effects. Laicism (from French *laïcité*) tends to create a neutral public space in which religious faiths, practices and institutions are deprived of any political consequence, banned from political competition or locked in the private sphere. Laicism considers the mixture of the political and the religious to be irrational and dangerous. This strategy has already become a tradition and formed an everyday perception of the relations between religious organizations and the state in certain countries, which blurs obvious limitations of this approach.

As distinct from laicism, Judeo-Christian secularism, the second tradition of secularism does not strive to remove religion or, at least, Judeo-Christianity from public life. Unlike laicism, this strategy does not treat the secular and the religious as two mutually exclusive spheres.

These traditions, or the two main strategies of the development of secularism, influenced different models of separation of state and religious institutions in the contemporary world to different extents.

Ahmet T. Kuru, an American scholar, has written in his fundamental work *Secularism and State Policies toward Religion* that state religious policy is a result of the struggle between "passive and assertive secularism,"[5] which shapes religious policies and defines the place of religion in the public space. Passive secularism demands that the state should remain passive to avoid consolidation of any religion as dominant, to let religion manifest itself as a free public phenomenon. Assertive secularism, on the other hand, demands that the state should exclude religion from the public sphere and play an "assertive" role as the main actor of social engineering, which keeps religion in the private sphere. Passive secularism is a pragmatic political principle that tries to preserve state loyalty in its relations with all religions, while assertive secularism is a "comprehensive" doctrine that mainly aims to completely exclude religion from the public.[6]

Peter Berger, in his turn, has identified three variants of the development of secularism: "There is the moderate version, typified by the traditional American view of church-state separation. Then there is the more radical version, typified by French *laïcité* and more recently by the ACLU, in which religion is both confined to the private sphere and protected by legally enforced freedom of religion. And then there is, as in the Soviet case, a secularism that privatizes religion and seeks to repress it. Its adherents can be as fanatical as any religious fundamentalists."[7]

According to Canadian scholars Rosalie Jukier and José Woehrling, when talking about secularism we can identify "a 'strict' or 'rigid' conception of secularism" that accords more importance to the principle of neutrality than to freedom of conscience and religion. This can be interpreted as an attempt to relegate the practice of religion to the private and communal sphere, and to keep the public sphere free of any expression of religion. On the other hand, more "flexible" or "open" secularism is based on the protection of freedom of religion, even if this requires a relaxation of the principle of neutrality. In this model, state neutrality toward religion and the separation of church and state foster respect for religious and moral equality and freedom of conscience and religion as the fundamental objectives. In open secularism, any tension or contradiction between the various constituent facets of secularism should be resolved in favor of religious freedom and equality.[8]

The Canadian scholars have identified the four key principles that form the basis for any model of secularism: people's moral equality; freedom of conscience and religion; state neutrality towards

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[5] See: A.T. Kuru, op. cit., p. 36.
[6] See: J. Rawls, Political Liberalism, Columbia University Press, 1996, p. 162.
[7] P. Berger, "Secularism Falsified," First Things, February 2008.
[8] See: J. Woehrling, R. Jukier, *Religion and the Secular State in Canada: Interim National Reports. The XVIIIth International Congress of Comparative Law,* The International Center for Law and Religion Studies. Brigham Young University, Provo, Utah, 2010, pp. 185-198.

religion and the separation of church and state. Secularism, however, assumes different meanings according to the importance accorded to each of these four principles.[9]

Gérard Bouchard and Charles Taylor insist that we cannot define secularism through "the separation of Church and State; the neutrality of the State with respect to religions; or an absence of religious expression in the public sphere" even if these formulas are partially true.[10]

According to Taylor, "there is no such sets of timeless principles which can be determined, at least in the detail that must be for a given political system, by pure reason alone; and situations differ very much, and require different kinds of concrete realization of agreed general principles; so that some degree of working out is necessary in each situation."[11] And further: "...the issues concerning secularism have evolved in different Western societies in recent decades, because the faiths represented in those societies have changed. We need to alter the way in which we proceed when the range of religions or basic philosophies expands: for example, contemporary Europe or America with the arrival of substantive communities of Muslims."[12]

"Comparative analysis identifies a range of types of secular states, and recognizes that the idea of the secular state is a flexible one."[13]

Religions
in Post-Secular Contexts

The role and place of religion in the public space have radically changed under the pressure of the modernization processes unfolding in all spheres of public life. While in many Western European countries modernization of society was accompanied by a gradual retreat of religion from collective consciousness and individual minds, in the post-Soviet societies modernization is accompanied by religious resurrection.

Having analyzed the global religious upsurge unfolding in front of our eyes, Peter Berger pointed to the two mightiest global trends: "Passionate Islamic movements are on the rise throughout the Muslim world, from the Atlantic Ocean to the China Sea, and in the Muslim diaspora in the West. The rise of evangelical Protestantism has been less noticed by intellectuals, the media, and the general public in Western countries, partly because nowhere is it associated with violence and partly because it more directly challenges the assumptions of established elite opinion."[14]

Upon returning to the public space, economy and politics, religion caused a reassessment of its role in society, the problem of redefinition of the post-secular has come to the fore as the most deliberated subject in the public space. Professor of sociology José Casanova, one of the prominent figures in the discourse of secularism and secularization, has pointed out that starting in the 1980s, religious traditions around the world refused to accept an absolute public-private dichotomy to demand, often by force, a specific and important place in the public space across the world.[15]

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[9] See: J. Woehrling, R. Jukier, op. cit.

[10] G. Bouchard, C. Taylor, *Building the Future: A Time for Reconciliation*, Government of Quebec, Quebec City, 2008, available at [http://www.accommodements.qc.ca/documentation/rapports/rapport-final-integral-en.pdf], 20 April, 2020.

[11] Ch. Taylor, "What Does Secularism Mean?" in: *Dilemmas and Connections. Selected Essays*, Harvard University Press, 2011, p. 310.

[12] Ibidem.

[13] J. Martínez-Torrón, W.C. Durham, *Religion and the Secular State. Interim National Reports. XVIIIth International Congress of Comparative Law,* pp. 2-18.

[14] P. Berger, "Secularism Falsified."

[15] See: J. Casanova, *Public Religions in the Modern World,* University of Chicago Press, Chicago-London, 1994, p. 153.

According to the same author, there are no compelling reasons, either democratic or liberal, to banish religion from the public sphere.[16]

According to Rob Warner, religion has become more contested, complex and diverse in the 21st century, while the secularization processes have profoundly changed the power and significance of religion.[17]

To sum up: religion has become the strongest identification marker in post-Communist societies, which explains its status of the most contradictory subject of public and political discussions.

The Main Principles and Criteria of Secularity in the Republic of Kazakhstan

Independent Kazakhstan has already acquired its national legal base that regulates the relations between the state and religion. The state religious policy should be corrected in view of all sorts of global threats to national integrity and challenges to national security: the unfolding processes of desecularization and deprivatization of religion, the growing role of public religions, contradictions between ethnic, national and Islamic identities, proliferation of radical Islamic ideology, international terrorism and extremism, religious education of the republic's population as a whole and of the younger generations, in particular. These socially important problems cannot be resolved unilaterally; they require concerted efforts of state structures and religious associations. In Kazakhstan, this role belongs to traditional religions as an important component of the national spiritual heritage and a powerful ideological resource in national construction. The state should move aside from the old methods and methodologies used to define the place and role of religion in public space; we should clarify the main content of the secularity principle to identify the main trends in the relations between the state and confessions. This means that we should build up the state-confessional relations on a wider, more open and more liberal interpretation of secularism.

The separation of church and state principle is not universal; its implementations vary depending on internal socio-cultural, political and public specifics of states. We have already written that despite the existence of different models of a secular state there are two main interpretations or strategies that serve as the foundation of the relationship between the state and confessions in any secular state. The first of them, the so-called passive (open) secularism, is a pragmatic political principle that insists on state neutrality toward all religions; the second, assertive secularism, is a doctrine in its own right, spearheaded against including religion in the public sphere. In our case, taking into account the latest trends in the religious sphere, it would be wiser to adhere to the strategy of open secularism. This would allow us to realize the cooperative strategy of interaction between state and religion. The state should not try to push religion out of public life into the peripheries of national construction, otherwise it will lose the ideological struggle against numerous radical trends. Armed with assertive secularism, the state creates a marginal group of believers on the periphery of national construction that may, in the course of time, develop into a fairly large opposition group.

According to its Constitution, the Republic of Kazakhstan is a democratic, secular state ruled by law; people, their lives, rights and freedoms being its highest values. Today, the state pursues a policy that contains no anti- or pro-religious intentions. Freedom of conscience and freedom of reli-

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[16] See: J. Casanova, *Rethinking Secularization: Global Comparative Perspective.*
[17] See: R. Warner, *Secularization and its Discontents*, Newgen Imaging Systems Pvt Ltd, 2010, p. 182.

gion are guaranteed, while propaganda of and agitation for the ideas that may stir up religious or any other hatred and animosity are banned.[18]

American scholars Cornell, Starr and Tucker have pointed out that the Kazakh "government took upon itself to regulate religion, thus gravitating toward the Skeptical/Insulating model and drawing on the French and Turkish experience. Going one step further, however, the Kazakhstani model differentiates between traditional and non-traditional religious communities. Government policies explicitly endorse and promote the traditional communities, and seeks to allow them to restore their position in society, while being hostile to the spread of non-traditional religious influences. That means Kazakhstan also borrows elements of the 'Dominant Religion' model, though with a twist: it does not privilege one particular religion, as most examples of this model do, but traditional religions at the expense of the foreign and novel interpretations."[19]

The same authors are convinced that "over time, Kazakhstan has adopted increasing restrictions in the religious field, and new measures were passed following terrorist incidents in 2011 and 2016. A 2011 law prohibited foreigners from registering religious organizations, required the registration of places of worship, and prohibited the holding of religious services in private homes — a practice common to more secretive religious groups. The law also forced religious communities to re-register with the state, and required a minimum number of adult members for registration at the local, provincial, and national levels. As a result, some smaller or less established groups failed to register. The law also restricted the dissemination of religious literature, requiring approval by the Agency for Religious Affairs."[20]

Furthermore, they state that the events of the past decade forced the republic's authorities to conclude that they had underestimated the threat posed by extremist religious groups. They revised laws and policies and thus interfered in life and activities of individuals and communities they deemed extremist or nontraditional. This is one of the reasons for Western criticism of Kazakhstan. There is another, more philosophical reason behind this criticism; the West advocates full religious freedom and state neutrality toward religion, and accepts intervention against groups engaged in or inciting violence. However, the Kazakhstani authorities have embraced a fundamentally different approach: the state should regulate religious affairs to revive traditional religious communities and to ensure social stability and harmony.[21]

There are several other factors and trends that forced that state to tighten its policy in the sphere of religion and consolidate the republic's secular foundations. According to the Concept of State Policy in the Religious Sphere in the Republic of Kazakhstan for 2017-2020, the following trends should be amended:

— Today, more frequently than before, people refuse to fulfill their constitutional and civil duties; they demonstrate their disrespect of laws, the republic's state symbols and national cultural traditions, as well as commonly accepted ethical and behavioral norms;

— The demand not to wear religious symbols at schools and universities is violated, non-attendance of educational establishments on Saturdays has become more frequent, while there are many excessively religious parents (legal representatives) who refuse to let their children study certain subjects of school curricular;

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[18] See: A. Ermegiiaev, K. Kazkenov, "Religioznye protsessy v Kazakhstane: neobkhodimost analiticheskogo, diskussionnogo polia, dialoga vzaimodeystviy," in: *Sbornik materialov mezhdunarodnoy nauchno-prakticheskoy konferentsii*, Almaty, 2002, pp. 54-62.

[19] S.E. Cornell, S.F. Starr, J. Tucker, *Religion and the Secular State in Kazakhstan*, Institute for Security and Development Policy, April 2018, available at [https://isdp.eu/publication/religion-secular-state-kazakhstan/], 22 April, 2020.

[20] Ibidem.

[21] See: Ibidem.

— Sometimes parents refuse to vaccinate their children for religious reasons;

— Men and women conclude religious marriages without registering at the corresponding state structures more and more frequently. Archaic family values that contradict the current status of women in the family, their social activity, employment and gender equality are actively promoted;

— Followers of destructive religious teachings, which have nothing in common with the values of Kazakhstan and negatively affect health, psychic and material wellbeing of citizens, are highly confrontational;

— Cultivated by these population groups, fundamentalism and radicalism present a real threat to state and society; they undermine the unity of the Kazakhstani people; traditional spiritual culture and traditional identity and violate the rights of members of other confessions;

— Sometimes members of radical religious teachings deliberately stir up conflicts with the official clergy;

— Believers may pile heaps of accusations and reproaches on those who do not share their religious ideas.

The Concept has identified three main priorities of the development of state religious policies, one of them being the consolidation of the state's secular principles.

The document contains a detailed explanation of the state's secular principles, which aims at supporting the consolidation of secular foundations of the state and the functioning of its institutions.

C o n c l u s i o n

The Constitution of the Republic of Kazakhstan declares in Part 1, Art 1 that "The Republic of Kazakhstan proclaims itself as a democratic, secular, legal and social state whose highest values are a person, his life, rights, and freedoms." According to this thesis, there is no official religion in Kazakhstan, and none of the religious teachings are accepted as obligatory or preferable. The state demonstrates no preferences to any confession or denomination. All religions and confessions are equal before the law, yet the Law on Religion of 11 October, 2011 "recognizes the historical role of the Hanafi school of Islam and Orthodox Christianity in development of culture and spiritual life of people." Kazakhstan's secularity model gravitates towards the French and Turkish model in which religion is completely separated from politics with certain socio-political, historical and cultural specifics expected to preserve inter-ethnic and inter-confessional relations.