

Recognition of Minority Denominations in the Kingdom of Denmark

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The Constitution of the Kingdom of Denmark of 1849 establishes the Evangelical Lutheran Church as the Church of Denmark, which “shall as such be supported by the State”. A handful of other denominations enjoyed recognition by royal decree until this practice was ended in 1969 with the new Marriage Act which allowed church weddings with civil validity to take place not only in the Church of Denmark but also in recognized denominations and other religious communities that obtain authorization from the Minister of Ecclesiastical Affairs. Until recently, the Ministry of Ecclesiastical Affairs consulted the Bishop of Copenhagen concerning applications from denominations for recognition. But this practice was criticized, and in February 1998 an expert committee was established by the Danish Social Liberal Party (Det Radikale Venstre) Minister Ole Vig Jensen to advise him on such applications. The committee consisted of myself a historian of religions and chairman, sociologist of religion Ole Riis, who was replaced in 2001 by Margit Warburg, theologian Jørgen Stenbæk and professor of law Eva Smith.

The general public, journalists and scholars have shown some interest in our work and in the following I will mention a few judicial and pragmatic aspects of our deliberations.¹

Introduction

The Committee on Religious Denominations was established on principle: because of a number of rejected applications for recognition, the traditional procedures were criticized as being too much influenced by the Church of Denmark and thus unfair to other denominations. Ole Vig Jensen explained his decision to establish the committee in a press release:

¹ This paper is a slightly revised English translation of a paper read at a seminar hosted by Selskab for Kirkeret (Society for Ecclesiastical Law) in 2003 on the Committee and its history. The title of that paper was “Præsentation af det rådgivende udvalgs retningslinjer og praksis” (A Presentation of the Rules and Practices of the Committee on Religious Denominations). I have written about some of these matters in the following publications: Geertz & Rothstein 2001; Geertz 1999b; 2003; and 2004.

Critics have expressed, among other things, the principally wrong practice of allowing representatives of one particular denomination (the Church of Denmark) to advise the Ministry of Ecclesiastical Affairs on the status of other denominations. This criticism of principle cannot be entirely rejected. I have therefore found it advisable to change the procedure so that it will no longer be the Bishop of Copenhagen but rather a new committee consisting of impartial, knowledgeable persons to advise the Ministry of Ecclesiastical Affairs on applications concerning official recognition as religious denominations (Press Release of February 4, 1998).²

The mandate that was given to the committee was not all that detailed. It was quite briefly: “The committee shall take over the function as adviser to the Ministry of Ecclesiastical Affairs in cases involving denominations outside of the Church of Denmark formerly carried out by the Bishop of Copenhagen Diocese” (the above-mentioned press release). Because of the brevity of the mandate, the committee had to independently work out its own procedures.

The first thing we did was to investigate earlier cases to see how applications for recognition as religious denominations outside of the Church of Denmark were handled. The quality of the work done by Bishop Erik Norman Svendsen’s specialist adviser, Pastor Niels Underbjerg was quite high, and the committee could confirm that criticisms of the earlier procedure were solely correct on principle. The committee also noticed that a returning theme in Pastor Underbjerg’s recommendations was an appeal to the Ministry of Ecclesiastics to develop a set of procedural rules which would ensure equal treatment of all applicants. The members of the committee were in complete agreement with Underbjerg’s wish and decided that the correct way forward was for the committee to develop such procedural rules.³

Basically, the committee’s job is to evaluate applications and write advisory opinions to the Ministry of Ecclesiastical Affairs. The recommendations of the committee consist of arguments for or against recognition of applicants who either wish to be recognized as religious denominations outside of the Church of

² All translations are by the author.

³ The rules have not been officially translated into English. The Danish version can be found at the Ministry’s website www.km.dk/publikationer/20020912_retningslinjer.pdf and my own website www.teo.au.dk/html/geertz/udvalg/vejledningrev02.pdf

Denmark (called ‘trossamfund’ in Danish, to which I will return) or as parishes of denominations outside of the Church of Denmark that are already recognized. Now and then, we are asked to write opinions on other matters which usually consist of writing detailed answers to inquiries from other ministries (such as Taxation) or from private citizens.

As we emphasize in our procedural rules, our work is independent of the Ministry of Ecclesiastical Affairs, but we have a natural and good working relation with the Ministry. The Ministry also serves as an important buffer between the committee and the applicants. The committee is not obliged to respond to direct queries from applicants. Since the Ministry is a public service institution, its daily routines are accessible to the public domain. Thus, because all communication between the committee and the applicants is via the Ministry, all stages of the evaluation process are publically accessible. The second reason we do not respond to direct queries from applicants is that the Ministry thus helps guarantee the privacy of the members of the committee. It does not always succeed because we get letters, e-mails and telephone calls from applicants as well as others who feel that some cases are their business too.

The first year of the committee's existence

We began working on the procedural rules during our first year of existence. Our goal was to identify and formulate the main points of a pragmatic evaluation procedure. The rules as well as the minimum definition, to which I will return, were developed for strategic purposes. The rules were meant to improve the committee's ability to evaluate concrete applications, and at the same time, they gave everyone the opportunity to gain insight in the principles motivating our evaluations and recommendations. The response was positive and the rules helped to alleviate the worries of applicants as well as other interested parties. After a while we began to notice that some applicants not only constructed their applications but also their organizational structures on the basis of our rules.

The procedural rules came inadvertently to be thought of as a set of dogmatic rules. The Danish newspaper *Politiken* ran an article on our work in March 1999 with our rules illustrated graphically as stone tablets. The headline said: “The Ten Commandments: New Procedural Rules for Recognition as Religious Denominations” (March 13, 1999). Even though we thought this was very funny, I think that many took it seriously. One year later, *Politiken* expressed a less

sympathetic view of our rules. In an article by Henrik Bay entitled “God’s New Neighbours”, he wrote:

When new denominations apply for recognition by the Ministry of Ecclesiastical Affairs, it almost doesn’t matter what they believe in. Even orgasms and aliens can probably be allowed. They must, however, have their papers in order. They must have an accountant and a detailed religious cookbook with all their rituals. (April 22, 2000).

The reference to orgasms refers to an application sent in by a group called the Church of the Madonna of Orgasm. For the record, we did not recommend recognition of that group. Concerning aliens, so far no applications have come either from extraterrestrial beings (at least as far as we know) or from people who worship such beings.

At any rate, we consider ourselves to be a committee of experts whose job it is to ensure that all applicants are treated equally on the basis of uniform, clear, and objective criteria, but also to assess whether or not applicants respect fundamental democratic principles such as human rights, including the freedom of religion and the right of the individual to change religious affiliation.

After a series of brainstorming sessions and a number of drafts, the procedural rules began to take shape. Unfortunately, we were under pressures of time because the Ministry had about 15 applications waiting to be evaluated and the applicants had difficulty understanding why their cases were taking so long. We had announced that we would evaluate Scientology’s application first because it was so obviously a matter of principle. It turned out that the application was much more problematic than we had thought, and in hindsight it would have been best to save that application for consideration after developing a routine on the basis of all the others. The other applicants were beginning to complain because of the time factor, but we had chosen to take a difficult case head on and at the same time all of the members of the committee were fully active university scholars involved in a lot of other activities.

The committee's baptism of fire

We know now that the Scientology case was extraordinary. In the first place, we were dealing with an unusually voluminous documentation (about 5,000 pages worth) together with numerous letters from their lawyer requesting the committee's point of view on a number of judicial matters before the committee would have reached their decision. At one point, the applicant hired another lawyer, Dr. Jur. Mogens Heide-Jørgensen to write a critical opinion on the Ministry of Ecclesiastical Affairs' practice of appraisal (*skønsudøvelse* in Danish, referring to the normative aspects of such an appraisal) in relation to the Marriage Act, article 16, part 1, no. 3. This 23 page opinion of 22 March 2001 was sent to the Ministry without an accompanying letter after the applicant had in fact asked that their application be shelved until further notice. The opinion concluded that our rules of procedure could be criticized in terms of the administrative practice described by the Ministry of Ecclesiastical Affairs to the Parliament in 1969 (during the debates before passage of the Marriage Act); in terms of certain aspects in administrative law; and in terms of The European Convention on Human Rights. We disagree with Heide-Jørgensen on all three points because they are based on misreadings of our rules. Heide-Jørgensen concluded that in relation to the European Convention on Human Rights, it cannot be denied that Scientology is a religion nor that it is a religious denomination (in the judicial sense that the term is applied here).

During most of the time we spent evaluating Scientology's application and especially up to the point of their request to have the application shelved, the Danish public was caught up in a media storm concerning Scientology. I received phone calls and letters from concerned parents who could not understand why we even took Scientology's application seriously; individual and collective letters of protest against Scientology; letters from former members of Scientology; and letters from people who actively resist Scientologists, Muslims and other minority groups. I was also contacted by people outside of Denmark and even the French Embassy concerning Scientology's application. The concern was about what would happen in the rest of the world if Scientology, which has its European and African headquarters in Copenhagen, were to become officially recognized by the Danish government. I was also contacted by high school, university, and journalist students who wanted to write papers and articles on Scientology and their application for recognition. I could not, of course, talk about the actual application with them. The press had an understandable and excited interest in the matter and tried every trick

in the book to get information out of me and, unfortunately, had troubles citing me correctly and/or, more significantly, in context. One journalist from a well-known paper sent me an e-mail reprimand that she first heard news about the committee from rival papers. I was also invited to participate in national television broadcasts with a well known personality in these matters, Johannes Aagaard, as well as with Scientology's spokeswoman. I had to decline that particular debate. It is not because the committee is secretive or bashful. It is because we believe that our job is to deliver opinions to the Ministry and not appear regularly in the media.

During the early months of the year 2000, almost every party spokesman in the Parliament expressed negative opinions concerning Scientology's application. A good example are the statements in the newspaper *Jyllands-Posten* (February 20, 2000). The spokesman of Denmark's Liberal Party (Venstre) Bodil Thrane was afraid that if Scientology were recognized, Denmark would risk attracting more sects "that catch people on a non-religious foundation". The spokesman for the Danish Social Liberal Party (Det Radikale Venstre) Henrik Svane had the personal conviction that "Scientology should not be recognized" because they tyrannize their members and because they only want to get tax benefits for membership fees "in order to function as a big money machine". Social Democrat Hanne Andersen did not wish to make a statement, but the spokesman for the Christian Democrats (Kristendemokraterne - formerly the Christian People's Party [Kristelig Folkeparti]) Jann Sjørnsen tended towards rejecting formal recognition: "Personally I think that Scientology looks more like a business than a religion, and therefore should not be recognized". The Danish People's Party's spokesman on ecclesiastical affairs Paul Nødgaard stated: "Everyone has the right to believe and think freely, but what Scientology stands for is so far from my idea of what a religion is that they should not be recognized." Only the spokesman for the Danish Red-Green Alliance (Enhedslisten - De Rød-Grønne) Keld Albrechtsen was of the opinion that Denmark should recognize Scientology provided they fulfill the standard requirements. In other words, the majority opinion was that no matter what recommendation our committee produced, parliament members would put maximum pressure on the Minister of Ecclesiastical Affairs at that time, Danish Social Liberal Party's Margrethe Vestager to reject recognition of Scientology.

After the application was shelved on March 31, 2000, the storm was over. On a scale of 0 to 100 interest in our work sky-dived to zero. We couldn't help feeling a kind of post-traumatic numbness, and we were disappointed that the

politicians couldn't wait until we were finished with our work before they expressed their opinions. The press, of course, whipped up most of the storm. More than a year's work was wasted.

Standardization

On the other hand, we suddenly had the peace and quiet to get on with the other applications. During that time, we attempted to develop ways and means to make our procedures more clear and understandable to the public. One of the things we did was to develop a standardized letter with a checklist of requirements. If an applicant failed to send this or that document, we sent the letter with a checkmark next to the documents that we wanted to receive copies of. The idea was to give the impression that this was a typical, standard Danish bureaucratic procedure, and that there was no reason for panic. Unfortunately, the letter seemed to have the opposite effect, at least on some applicants, especially ethnic groups from countries where bureaucracy does not have the more or less positive renom e as in Denmark. We have stopped sending standardized letters.

Many applicants do not understand the language we use, which is technical and legal. They do not understand the difference between recognition by Royal Decree (*anerkendelse*), which is no longer practiced, and recognition in terms of the Marriage Act (*godkendelse*), which is the current procedure. It is often difficult for people to understand how we are able to distinguish between religion (as a general term) and religious denominations (as a legal term). Some people have trouble seeing the difference between a denomination (*trossamfund*) and a parish (*menighed*), a distinction that is both legal and technical. In one instance, the committee was accused of blasphemy by a Christian applicant because we wrote that the applicant was neither a denomination or a Christian parish. We were told that our eternal souls had been exposed to damnation because of that sentence. What we meant was "Christian parish" in a legal sense and not in any ontological sense. Since then, we learned to avoid using adjectives and stick to the terms denomination or parish.

The problem of definition

The world famous sociologist of religion and director of INFORM (Information Network Focus on New Religious Movements) at the London School of Economics, Eileen Barker asked the committee during a conference a few years ago how one can define what a religion is. She wrote an article on the subject in

which she raised the well known point that all societies define reality in order to gain a modicum of control over it. They use classificatory systems and canons of law built on values and concepts that order and classify the world. They build up institutions that ensure that the citizens abide by the system. Social and legal boundaries are drawn and those individuals or groups that try to move these boundaries can expect reactions from society. This implies that those who define the conceptual and legal boundaries exercise power because they decide what is 'natural', 'real' or 'genuine'. She concludes that a society that believes in the freedom of religion should take special care in ensuring that those who are excluded recognition receive such decisions on the basis of impartial criteria and not the idiosyncratic interests of persons in power.⁴ Eileen Barker illustrated her point with the following humorous story:

I was talking to a university chaplain one day. "We can't call the Hare Krishna a religion," he confessed.

"Are 'ordinary' Hindus a religion?" I asked.

"Oh yes, of course," he answered. "But they've already got a room."

I must have looked decidedly non-plussed because he went on to explain, "It's a university rule that each religion should have its own room, but there just wouldn't be enough rooms to go around if all these new cults were to claim to be a religion. We'd have to start sharing and you can see how that would lead to all sorts of problems."

Somewhat naively, I suggested that it might be easier to modify the university rules than to redefine the Krishna devotees. "Oh, but that would involve religious discrimination!" he protested. (Barker 1991: 11)

The point is of course that definitions are human constructions and not revelations from heaven (despite claims to the contrary). Therefore we should be aware of what we are doing when we define and set boundaries.

We made a note of this in our procedural rules, but argued that we need to decide what religion is in order to be able to decide whether an applicant is a religious denomination. But we also agreed that:

⁴ Barker 1991. I have raised similar issues in Geertz 2003.

The concept of religion is far from clear. It was developed historically in Europe and was associated with the monotheistic book religions. But such a narrow use of the term carries with it a break with pluralistic principles. The concept does not consist of objective characteristics, and we are unable to refer to an authoritative, scientific definition. In fact, scholars of religion continually engage in a comprehensive discussion on how to delineate the phenomenon and on what its most important characteristics are. (*Vejledende retningslinjer*, 2nd rev. ed., January 2002: 1).

Scholars of religion here in Denmark are continually debating the subject as well.⁵ The problem briefly is that scholars of religion cannot agree on a standard definition of religion despite all the attempts to do so. The scholar of psychology and religion, James H. Leuba, documented 50 different definitions already in 1912 in his book on the psychology of religion. Many more have appeared since then. Many scholars of religion have given up in desperation, but this desperation moved the well known American scholar of religion, Jonathan Z. Smith to answer “On the contrary!”: “The moral of Leuba is not that religion cannot be defined, but that it can be defined, with greater or lesser success, more than fifty ways” (Smith 1998: 281). In Smith’s opinion, the study of religion is a secondary, reflective process, and that defining the object of study is a necessary requirement for scientific work. Problems in defining the object of study is not unique to our discipline. Linguists have the same problem with defining the term ‘language’ and anthropologists still haven’t figured out what ‘culture’ is. But they know it’s there, and they know that defining the object of study is an analytical necessity. It involves delineating a phenomenon for further study. The caveat here is that one should not confuse the concept with the phenomenon, or in Smith’s terms: “the map with the territory” (1978).

Worship

Legislation in many countries makes use of this powerful tool. To define is to control, just like in analytical study. Definers decide who or what is to be included and excluded. In terms of religion and denominations, the Danish Parliament mandated the Ministry of Ecclesiastical Affairs to define what is meant by

⁵ Cf. Bilde 1991. Per Bilde and I engaged in a debate five years later: Geertz 1996; Bilde 1997; and Geertz 1997a. I have written further on the subject in Danish and English: Geertz 1997b; 1999a; 1999b; 2000; 2003; 2004; and 2005.

denominations outside the Church of Denmark.⁶ In connection with the debate prior to the enactment of the Marriage Act in 1969, various definitions were formulated at the time by the Minister of Ecclesiastical Affairs. These definitions play a significant role in our attempts to define what a religion and especially what a religious denomination is.

The main definition of a *trossamfund* or ‘denomination’ in a legal sense, is “gudsdyrkelse...efter en nærmere udformet lære”, in other words, “worship on the basis of clearly formulated doctrines”. A *samfund*, literally, ‘society’, is more precisely defined as an ‘assembly’ or a ‘body’ (but not a ‘movement’ or a ‘philosophical society’) whose primary purpose is “worship (cult) on the basis of an clearly formulated doctrine and ritual”.⁷ The committee then proceeded to delineate what these concepts imply, but found that the term *gudsdyrkelse*, which literally means ‘worship of God’ had monotheism as its point of departure and thus was too narrow a concept in terms of contemporary religious pluralism. Thus we formulated a more abstract definition of divinity as “the idea of humanity’s dependence on a transcendental power”. We chose this formulation for two reasons: first, in order to make room for polytheistic religions, and second, to exclude groups that solely worship principles such as Love, Democracy, the Fatherland, etc. Unfortunately, the term ‘transcendental power’ has been misunderstood by a number of people. Our colleagues and others claim that the committee thereby excludes groups with conceptions of divine immanence. Polytheists claim that the term ‘power’ excludes the idea of ‘powers’ and thus is a cover term for a hidden monotheistic, Christian agenda. These inadvertent side-effects, however unfortunate they are, have not prevented us from recommending recognition of polytheistic groups. Our emphasis in connection with the term ‘a transcendental power’, besides the fact that we should have used the term ‘power(s)’, was not so much the power or powers referred to, but rather humanity’s dependence on an animate power or powers (and not just an abstract principle), which is beyond and/or greater than humans. If one believes that God is immanent and omnipresent in the world and in nature, as for instance in pantheism, this God is greater than humans. Our definition does not imply that a religion must believe in a distant, all-powerful divinity. If people believe in spirits and ancestors with which they religiously interact, that is fine with us. It is insufficient, however, if

⁶ For further details, see Geertz & Rothstein 2001.

⁷ *Folketingsstidende* 1968-69, tillæg B., sp. 1929.

people solely believe in ghosts and fairies.

As mentioned above concerning the debate prior to the Marriage Act, worship should be pursued on the basis of clearly formulated doctrines. The committee interprets this requirement as meaning:

There should be a creed or some other text which summarizes and refers to the central texts and traditions of the religion and which serves as the basis for membership.

This requirement has also been criticized by people who claim that it is an expression of Christian assumptions. But the critics are wrong on this. If an applicant cannot clearly formulate their foundational assumptions, how can they expect a public institution to evaluate whether they are a religious denomination? Some have mistakenly thought that we require a formal creed, but it is stated quite clearly in the rules “a creed or some other text which summarizes and refers to the central texts and traditions of the religion”, in other words that somewhere in the application, a summary of the most important ideas with reference to text or tradition should be presented. These points or ideas or doctrines, if you will, should be based on and refer to sacred texts or oral and/or written traditions, such as creation stories or salvation accounts or narratives about the constitution of human beings, life and death, destiny, concepts of soul or whatever is of central importance to the applicant.

It is also important that these doctrines serve as the basis for membership:

There should be articles of faith shared by everyone which serve as guidelines for human behavior, in other words, ethics and morals.

The articles of faith must be shared by everyone and should not be left up to individual idiosyncracies. Some people claim that personal freedom in determining the content of one’s beliefs is commonplace in polytheistic religions, but they are wrong. It may be correct that polytheistic religions are more tolerant concerning which gods an individual chooses to worship, but the characteristics of those gods and how humans must relate to them are not left up to the individual.

Furthermore, emphasis is placed on the fact that a set of beliefs are held by everyone in the group, in other words that the set of beliefs are known to all the members and not to just a few select persons.

The concept ‘morality’ is from the Latin term *mores*, which means ‘custom’, but is understood here to mean ideas about what is right and what is wrong. Ethics are reflections on morality. The set of beliefs that are held by everyone should in

other words determine individual behavior and not just exist in theory. The set of beliefs should have an impact on human behavior.

Following along these lines, the committee writes that “the articles of faith should be expressed in wedding and/or other rituals”. The applicant’s ritual behavior should be in accordance with the articles of faith. This applies for wedding as well as other rituals such as birth and namegiving, confirmation or puberty rites, death and burial rites, and so on. The committee asks therefore for liturgical manuals or, in lieu of such, the major rituals should be described. If there are no liturgical manuals, then it should be evident by the description of the rituals that they are in organic accord with the main doctrines. Furthermore, the marriage ceremony must comply with the requirements of the Danish Marriage Act, for instance that the individuals being joined in matrimony do so freely and not under duress, that both of them are present during the ceremony and that the ceremony is conducted in the presence of witnesses.

Religious body

A religious body is understood as follows:

That the body must be so organized that it can be made available for public acknowledgment and inspection. The constitution of the religious body must be provided for evaluation in terms of Danish judicial practice.

That there should be a constitutionally elected representative who will be responsible to the authorities.

That there should be formal membership with constitutional rules concerning both membership application and application for renouncing membership.

Thus, our procedural rules have a looser concept of divinity but a more stricter concept of social entity. This requirement led to the newspaper headlines already referred to that as long as you have a well organized structure and your papers are in order, you can obtain recognition. To assuage the critics, that this is not how things function in practice. I hope it has become evident by now that items of belief are of equal importance. But it cannot be denied that a lot of effort goes into obtaining clarity on the conditions of membership and on how the religious body is organized, two matters which many applicants are reticent about.

On the basis of all these distinctions and interpretations, the committee

presented a minimal definition which combines law, practice, and scholarship:

The committee understands a *religion* to be a specifically formulated belief in humanity's dependence on a transcendental power which stands over and above humanity and the forces of nature, and a belief which serves as guidelines for human ethics and morals.

Why do people apply for recognition?

During the routines of the past few years, we have asked ourselves why people apply for recognition. But before taking on that question, allow me to mention a few statistics.

Since its appointment and up to May 2004, the committee received 45 applications. Of these, we recommended that 13 be recognized and 24 not recognized, in other words a rejection rate of about 65%. 4 of the applications were in process, 3 had been shelved and 1 was withdrawn. These are the figures of the committee and not the Ministry. The Ministry has its own timetable and procedures such as allowing ample time to those applicants, who are recommended for rejection, to comment on the committee's recommendation before the Ministry makes its final decision. Since our appointment, the following organizations have been formally recognized by the Ministry:

Diverse Christian Bodies

Nexø Frikirke

International Harvest Christian Centre

Hillerød Frimenighed - Luthersk Missionsforenings Frimenighed

Københavnkerkirken - Evangelisk Luthersk Frimenighed

Den Russiske Ortodokse Kirkes (Moskvapatriarkatet) menigheder

Islamic Bodies

Den Islamiske Forening af Bosniakker i Danmark

Shiamuslimsk Trossamfund i Danmark

Islamisk Kultur Center Amager

Hindu Bodies

Bharatiya Mandir Danmark

Brande Hindu Menighed

Other Bodies

The majority of the total number of applicants identify themselves either as Muslims (37.8%) or as Christians (35%). It is important to emphasize here that we are talking about self-understanding. If we do not recommend that a group be recognized, it is usually because we do not agree with their self-understanding. Out of all those applicants who consider themselves to be Islamic organizations, we have recommended that 71% be rejected. This high rate of rejection is due to the fact that the applicants are often immigrant organizations that do not distinguish between cultural clubs and religious denominations. Out of all those applicants who consider themselves to be Christian organizations, we have recommended that 53.8% be rejected. This is primarily due to matters of size or organization.

But why do people apply for recognition? One would expect that the primary reason is that recognition allows the denomination the legal authority to marry their members. Perhaps an added dimension is the few tax benefits that can be had. Very few applicants actually tell us why they apply for recognition. One applicant, however, told us why. It was obvious to us that his church was not yet established: there was no priest, no parish, no constitution, and no audited account. When we mentioned these matters in our recommendation, the applicant replied:

I need to be established as a Trossamfund outside den Danske Folkekirke for many reasons and one of them is the Bank, the other is the Post Office. In other words I need a kassekredit and cheaper postage.

That was as hands-down a statement as any we have received!

Most applicants are apparently interested in something else entirely, namely the symbolic advantages. The well known French sociologist Pierre Bourdieu understood the term 'symbolic capital' as a resource used to create one's own reality in terms of the reality of the majority, *à propos* my earlier comments on the world-constructing aspects of definition. Symbolic capital is apparently very important for Muslim organizations in Denmark. We often find words along the lines of wanting to be recognized on equal footing with other denominations (unfortunately, many think that the recognition process is a pro forma matter as in Sweden). But other organizations are also interested in symbolic capital, such as those who consistently receive bad publicity such as Scientology, or earlier, the

Baptists. These matters have been discussed by sociologist of religion at my department, Lene Kühle (2002; 2004). She has shown that not all recognized denominations have taken advantage of tax benefits. Associations can receive recognition for tax purposes only according to the Tax Law, article 8.A, part 2 and article 12, part 3.

Dialectics of procedural rules and applications

We have noticed that a dialectical relationship has arisen between the committee's rules of procedure and the applications that we receive. It is sometimes quite obvious that organizational structure, rituals, and even beliefs reflect our rules. Even though this dialectic was unintended, there is nothing suspicious about applicants constructing their application in terms of the rules of the institution being applied to. We all do it when we apply for research funding or for travel money or in our individual tax returns. But it is striking never the less. I would assume that most groups who apply for recognition as denominations outside of the Church of Denmark, do so because they are independent bodies wishing to distinguish themselves and their religious identities more or less in opposition to the Church of Denmark. I would also expect that such groups have a rather clear organizational structure of their own just by the fact that they have gone as far as applying for formal recognition as a denominational body. But things are not always as one would expect.

One example of this dialectic that I want to share with you is the application from the Forn Siðr, the Danish neo-pagan group that worships the pre-Christian Old Norse deities. Normally, I am not allowed to go into details about applicants or their applications, but in this case, the applicant has published all of the documents on their website. The reason they published the documents was to encourage an open, democratic discussion among their members.

The original application was amply documented. The Ministry asked the committee for its opinion on whether Forn Siðr should be recognized as a religious denomination. We concluded for various reasons that it should not be recognized. The main reasons were formulated as follows:

There are no requirements [for the members] concerning Forn Siðr's creed. The association maintains a belief in the Asa deities, but has no authority in doctrinal questions. The association has rituals which are performed on a voluntary basis

by individual members who form their own blót associations. These blót associations are not organizationally a part of Forn Siðr, and the persons performing the rituals have received no formal teachings. Each individual member decides on the details of the rituals and their interpretation. On the basis of this, the committee cannot see how there is a denomination as we understand the term.

That was in January 2002. Since then, the committee received highly critical comments from Forn Siðr. During the hearing process, however, the organization had initiated a process of change through an internal debate. This process is very intriguing from a scholarly point of view. The point of the internal debate was to decide whether or not the members wanted to become officially recognized, and, second, whether or not they were willing to go through a process of organizational change in order to obtain such recognition. As early as the date of the first letter by the head of Forn Siðr criticizing the committee's recommendation (August 2002), changes in the constitution had been approved by their Alting in May of that year.

The Ministry therefore asked for a renewed assessment by the committee. In our renewed assessment of February 8, 2003, we maintained our original recommendation of rejection, but pointed out to the Ministry that changes were occurring in the organization which could lead to another conclusion. One of those changes was the announcement of establishing a ritual specialist (or priestly) education, called "Goderingen" - the Ring of Priests.

As an historical aside, it should be noted that on pre-Christian Iceland, the term *godi* was a man who was in charge of a shire or *godord* (*godedomme* in Danish). The Gode was a political leader to whom the farmers in his area held allegiance by obligation. The term *god* is related to the term 'god' and in Gothic it meant 'priest'. The seat of the Gode shire was a meeting house owned by the Gode. This house was also used for performing blót or blood sacrifices. The Gode performed those sacrifices. So the term as it is understood today does not coincide with the original old Nordic context. Nor, despite the claims of Forn Siðr, do we find a pre-Christian organization as democratic as Forn Siðr is. Pre-Christian Icelandic society was governed by an oligarchy of 36 (later 39) male leaders. The Alting consisted of a legislative body and a judiciary body. The legislative body consisted of the 36 Godes, 2 men appointed by each Gode to accompany him, and a number of other representatives. The judiciary body consisted of four high courts appointed by the

Godes.⁸

To get back to the case in question, the committee received more documents from the applicant six months later consisting of a new constitution, a description of the priestly education, and further clarification on whether or not the members had a common set of beliefs. The committee was also provided with copies of their membership magazine for the past one and a half years. In perusing the magazine, it was very clear that the Forn Siðr were working seriously and openly on reforming their organization also in terms of doctrine. In our judgement the process was existential and not just judicial. In other words, we were witnessing a conscious adjustment of their religion and not just a convenient change of constitutional articles.

They had appointed among other things a constitutional committee in September 2002 which had the following matters on its agenda: Why change the constitution?, How do we guide the debate?, What organizational position do the local blót associations have and how should they be represented in the constitution?, What kind of education should the priests and priestesses have? and [What to do about] the rituals?

Forn Siðr had also hired a lawyer to assist them. The abiding assumption in the organization was that they would make a last ditch effort to “win over bureaucracy”. But it wasn’t a resignation. It was more a sense of defiance. In the event of another rejection, they were ready to continue the reform process until a new application could be sent in after either the Alting of 2003 or 2004.

The membership magazine is filled with highly interesting articles and letters-to-the-editor. In a piece written by Helena Valorinta, who actively participated in the debate, we find an excellent analysis of our evaluation. Her point of departure is the comparative perspective that most religions have some form of education for the priests that perform their rituals. She wrote as follows:

From such a perspective it is no wonder that the Ministry asks for a description of our priestly education. In fact it is a natural question to ask. It is also natural for them to be skeptical when our application states: “Anyone can perform these blóts, since it does not require any special education to do so. The marriage ritual will be performed by persons with some experience in conducting blóts

⁸ A good description of this system is found in Sørensen 1978: 46-50.

(Goder/Gydjer).” Their conclusions about this are entirely natural: “The association has rituals which are performed on a voluntary basis by individual members who form their own blót associations. These blót associations are not organizationally a part of Forn Siðr, and the persons performing the rituals have received no formal teachings.... On the basis of this, the committee cannot see how there is a denomination as we understand the term.” I repeat “on the basis of this”, in other words, on the basis of how we have formulated ourselves, and what requirements they would normally expect among other things of ‘priests’.... I feel that one can easily understand their skepticism. It sounds undoubtedly as if it doesn’t matter who performs the blóts or how they do it. (*Völse* 23, March 2003: 28)

The committee has followed this reformation process with a great deal of interest. But it also raises questions about what is what: rules of procedure or denomination?! The membership were not blind to this problem. The editor of a rival journal called *Valravn.online*, Morten Grølsted was very dissatisfied with the results of the above-mentioned process. But the process has continued with the new board which was elected in Altinget May 28-31, 2004. Grølsted complains:

An important theme for the future of Forn Siðr and the rest of the Asa-mileau is whether Forn Siðr should keep the centralistic structure which has gradually developed or whether it should remain true to the original ideal of a network of independent blót associations along the lines of the Norwegian Åsatrufelleskapet Bifrost.

This past Alting, however, was a victory for centralism. A suggestion opening the possibility of a Bifrost-model did not even get half of the votes, let alone the two-thirds majority required for amendments to the constitution. Neither the board membership nor the power of a small group of priests over the Forn Siðr rituals were challenged. On the contrary, stricter measures were approved which made it clear that Forn Siðr blóts must be performed in cooperation with the board and not be left to the premises of the blót associations.⁹

Grølsted’s dissatisfaction was also aired in an article by Anne Korsholm in *Kristeligt*

⁹ Quote in June 28, 2004 <<http://hedensk-daggry.dk/valravn/index.php?side=nyhed&ID=17>>.

Dagblad a Christian newspaper:

He criticizes the fact that the blót ritual arose by allowing “a restricted, self-appointed liturgy committee that worked out a minute description of a ceremony in such a manner that no room is allowed for variation”.... Morten Grølsted said that rituals encourage dogmas, conformity and clerical dominion and emphasized that even the Church of Denmark has more room for experiment than Forn Siðr’s blót ritual. (Monday, May 17, 2004)

Members of the liturgy committee pointed out that since the whole process occurred in the open, there was plenty of opportunity to air individual opinions. The key feature here is a widespread ideal among Asa worshippers of an absolute democracy and sovereign individuality - two somewhat opposed principles. Grølsted is cited in *Kristeligt Dagblad* from a feature article in *Valravn*:

If there is one thing that we Asa believers agree on, it is that we do not want authorities who tell us what to say, how to behave or how to perform our blóts.

Grølsted’s solution is that the Forn Siðr should reorganize itself into a network of parishes or blót associations. He has challenged the individual blót associations in a debate forum at *Valravn*’s website to apply for their own individual or group recognition by the Ministry of Ecclesiastical Affairs.¹⁰

The following quote from another Asa believer expresses exactly what the committee criticized Forn Siðr for in their original application:

I chose Asa belief precisely because it is a free belief that I practice for myself. If the only recognized Asa belief association becomes a dogmatic, centralized institution that dictates how I should practice my belief, then I can live quite well without belonging to a recognized denomination.¹¹

I might conclude that Forn Siðr is being subjected to an organizational process as a result of its recognition as a denomination, but not without a price. Anne

¹⁰ In a mail dated December 6, 2003 at <<http://hedensk-daggry.dk/valravn/forum/viewtopic.php?t=58&start=0&sid=2e7359543fd3c9dfa29122b880d75d7c>>.

¹¹ Wotan Ragner, March 5, 2004, same address as in note 9.

Korsholm claimed that in Sweden the number of Asa believers fell from 500 at the end of the 1990s to 43 today because of internal strife. But it looks as if they experienced other kinds of strife than those in Forn Siðr.

At any rate, Forn Siðr was formally recognized as a denomination by the Ministry of Ecclesiastics on November 6, 2003. Since then, another blót community applied for recognition, but their case had not been decided on as of May 2005.

Conclusion

Definitions and rules of procedure are acts of power in the name of clarity and routine. They create all kinds of problems even as they solve other problems. Even though it is a universal human trait that societies define their social reality in this manner, it is just as universal that exceptions to the rules are quickly discovered and used. In fact, some scholars even claim that the only certain rule is the exception. But as long as the majority in a society plays by the rules, order is maintained, status is decided, and recognition is given. Majorities maintain their majority, and minorities use whatever means they have to improve their situation. There are often clashes of worldviews within a society with resultant battles for symbolic capital. Applying for official recognition as a religious denomination in Denmark is one way of winning the battle of self definition.

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