

Religious pluralism in Denmark

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History

The Christianization of Denmark began with Ansgar (801-865), missionary and archbishop. It was, however, a king, Harald Blåtand (d. 986) who, according to the text written by himself on a runic stone, "made the Danes Christians".

Though the proud statement of King Bluetooth must be read more as a demonstrative than a descriptive statement, Christianity, enforced by the church, a series of kings and later by the state, has influenced Denmark some 1000 years.

With the Reformation (1536), the old type of Christianity, now the Roman-Catholic Church, was forbidden, and the Lutheran-Evangelical type became the one and only.

During the 17th and 18th centuries, the Roman-Catholic Church, the Reformed Church (with a French, Dutch as well as a German congregation), and a Jewish community, were given, by Royal Decree, certain rights equal to the Lutheran-Evangelical church: The right to perform their rituals, not least marriage with legal validity, to have buildings and burial places of their own, and to register births and deaths.

It was not until 1849, though, with the Constitution of that year, that freedom of religion became a legal right. The same Constitution, however, in § 3 (today § 4) states: "The Evangelical-Lutheran Church is the Danish Folk Church (or: "The Church of The People"="Folkekirken") and as such to be supported by the state".

But more Christian churches or denominations have entered into the Kingdom of Denmark since then. Today, besides the churches mentioned above, there are Russian, Greek, Romanian, Macedonian, and Serbian Christian Orthodox religious communities. There is a Swedish, Norwegian, and an Anglican church, as well as a great number of so-called Protestant Free

(or 'Independent') Churches (Baptist, Adventist, Methodist, Pentecostal, Apostolic et al). Also Jehovah's Witnesses and the Mormons have congregations in Denmark.

Most of the above mentioned religious communities are the results of immigration, and today members are descendants of former and more recent immigrants and refugees. Though there is quite a few different Christian denominations, the number of members is little compared to the total population to the number of members of The Folk Church.

The same goes for the non-Christian religious communities. All the so-called world religions can be found in today's Denmark, most of them establishing themselves from the early 70s and forward. They show as a selection of beliefs and practices of individuals or small groups of ethnic Danes, but also as institutionalized religious communities, primarily composed of immigrants, refugees, and their descendants.

Besides two Jewish synagogues, there are some eight buildings serving as Buddhist temples (pertaining to Mahayana, Hinayana, and Vajrayana traditions), five serving as Hindu temples (three belonging to the Tamil Saivite, one to the Vaisnavite tradition, and one to ISKCON), some 120 buildings or rooms serving as mosques (some 110 Sunni, some 10 Shia, and one – the only 'real' mosque – Ahmadiyya), and then there is one Sikh gurdwara.

So-called new religious movements as well as new age practices and ideas have, of course, also have arrived during the last 30 years.

Denmark, then, has been extraordinarily homogenous in terms of institutionalised religion and its relation to a territory, an ethnos, and later on a nation state. Equally characteristic is the widespread opinion, (almost a dogma, and most certainly in line with some Lutheran as well as liberal ideas) that Denmark is a very secular and secularized country. In Denmark, so the traditional story, in spite of the constitution, goes, 'we' have separated religion and politics, and the majority of the Lutherans are 'irreligious Lutherans'.

Facts and figures (cf. below) on religious affiliation anno 2005 go to prove that Denmark anno 2005 is still a predominantly mono-religious country. When, in 1997, a little more of the world and the world's religions had entered Denmark, and a growing religious pluralism, the relation of state

and religion, and of minority-religions and majority religion had become more of a public issue, the authorities found it fit to use the picture of a crucified Christ from the mentioned runic stone as the emblem of the Danish passports. A symbol simply expressing the fact that the majority of the population and citizens belong to the state church, or a neo-nationalistic demonstrative 'credo', a sign and symbol of the will to stay Christian and mono-religious, - and a sign of the fact that the dominance of the traditional majority religion and state church was and is challenged by the growing religious pluralism?

Numbers

By January 1, 2005 the percentage of registered, paying members of The Folk Church was 83.1% (=4.498.703) of the total population (roughly 5.300.000) and about 87% of the total number of Danish citizens.

The total number of people (Danish citizens as well as non-citizens)'adhering' to a non-Christian religion may be estimated to 4.5 % of the total population.

3.8 % (some 200.000) of these may be classified as persons with a Muslim background. The remaining 0.7% comprises some 7.000 Hindus (mainly Tamils from Sri Lanka, but also some from Northern India and an insignificant number of members of ISKCON), some 8.000-12.000 Buddhists (from Vietnam, Thailand, Tibet, Denmark, and other Western countries), some 3.500 members of the two Jewish communities (mainly very well-integrated or assimilated descendants of migrants from a variety of countries), and some few hundred Sikhs (organized in two main groups). Besides the adherents to these so-called world religions, there are some few and extremely small, new religious movements.

As for the Christian churches differing in various ways from the state church, the Roman-Catholic Church with roughly 30.000 members (mainly ethnic Danes but also a number of immigrants and refugees from a wide variety of countries of origin) is the largest. Baptist, Methodist, Pentecostal, and other so-called Free (or 'Independent') Churches, together with Jehovas Witnesses, The Mormon and others all in all amount to some 60.000, the

Jehova's Witnesses being one of the largest groups with some 15.000 members.

Out of the 100 formally and legally acknowledged and recognised religious communities, 66 are Christian. There are one Bahai, four Buddhist, six Hindu, two Jewish, 17 Muslim, one Sikh religious community, and a couple of religious communities which cannot be classified in relation to the traditional world religions, e.g. Forn Sidr, a group of people performing rituals and entertaining beliefs pertaining to the Old Norse religion.

The constitutional framework

The Constitution of 1849 (revised 1953) introduced freedom of religion (though this term is not used, not even in 1953). § 81 states: "The citizens shall be entitled to form congregations for the worship of God in a manner consistent with their convictions, provided that nothing in variance with good morals or public order shall be taught or practiced." And, § 84 adds: "No person shall for reasons of belief [or: 'creed'] be deprived of access to full enjoyment of his civic and political rights, nor shall he for such reasons evade compliance with any common civic duty.". Besides, § 82 states that "No one shall be liable to make personal contributions to any denomination other than the one to which he adheres [...]."

Why the terminology, impregnated by Christian theistic and monotheistic notions, was not brought more in line with the Universal Declaration of Human Rights in 1953 remains to be explained.

Freedom of religion, in 1849, was mainly understood as a freedom from the clerical authorities, a freedom to form other Christian faith-communities. The freedom to be non-religious, however, was implied, even if it was not until 1857 that baptism was no longer compulsory; freedom to have a non-religious civic marriage also played a role.

Since 1849 (or 1857) it has been up to the individual (or the parents) whether he or she wanted to be a member of The Folk Church. Only the King/Queen (as the formal Head of State) must, as stated in the Constitution, be a member of The Folk Church (§6).

A closer look at the Constitution reveals that The Folk Church may be termed the fourth pillar (power) of the state, -- the others being the law-giving, the executive, and the judicial. At the same time, it must be noticed that the Constitution entails a paragraph (§80) stating that " the constitution of The Folk Church shall be laid down by Statute". An article intending some kind of relative freedom from or disengagement from the state, an article often discussed, and today again with much fervour, - but an article so far not realized.

The same goes for another article (83) stating that "Rules for religious bodies dissenting from The Folk Church shall be laid down by Statute". This too has never been implemented, and accordingly administrative rules and regulations (issued and acted upon mainly by The Ministry of Ecclesiastical Affairs), but not laws, are what these 'dissenting' religious bodies have had and still have. A fact criticized many a time, also in Human Rights reports.

In Denmark, then *freedom* of religion is not equal to *equality* of religions. This shows not only in the Constitution: Apart from a special "church tax" paid only by the members of The Folk Church, a portion of the general income tax also goes to various expenses connected with the administration, and maintenance of the church, as well as to the financing of part of the salaries of the vicars who are all employees of the Ministry of Ecclesiastical Affairs, i.e. the state.

Besides, education of the ministers/vicars of The Folk Church takes place at the free, public, state universities, and the students like all other students can obtain extra financial subsidies from the state. It may be argued that this too is a violation of § 82, and most certainly it demonstrates that there is no equality of religions, since the possibility of having ministers or imams or the like educated and trained for free is not an option for all religious communities.

Discussing violation of § 82 it is often argued that the state church administers certain affairs (especially the registration of births) which, otherwise, the state (and taxpayers) would have to finance anyway. Besides, it is argued, the tax money going to the maintenance of the church buildings, go to 'cultural heritage', and the acknowledged or recognised religious communities

are also financed by everybody since they have certain kinds of tax-deduction and exemption from various taxes.

Other legal and human rights frameworks

In terms of relevant articles in international and European conventions and declarations with a bearing on freedom of religion (and religious pluralism), all I can say is that Denmark has recognised or ratified all the most important of these.

Looking at Danish law it is evident that quite a few laws and rules regarding the right to asylum, immigration, public schooling, and integration in general have a direct and indirect bearing on those religious minorities which are also ethnic minorities.

In this context, mention can be made only of the most recent law on immigration to Denmark, the Aliens (Consolidation) Act of July 14, 2004. It consolidates recent more restrictive rules regarding the rights to obtain a residence permit in connection with marriage. The law was passed by the government and its parliamentary basis, the ultra-nationalistic Danish People's Party (Dansk Folkeparti) with the explicit aim of preventing what was at one time called 'arranged marriages' but what has now, ever so slowly but equally efficiently, been coined as 'forced marriages'.

It was, no doubt, directed explicitly against the Muslim minorities. According to the law, article 9, the permit can be given only to persons above 24, and only if the partner in Denmark is also above 24, and equipped with an apartment as well as a certain amount of money to guarantee that the state is not going to pay too much for this arrangement.

Also in regard to residence permits given to *missionaries*, the going has got tougher. The Aliens (Consolidation) Act just mentioned, in article 9f at the end says:

[...] (3) It must be made a condition for a residence permit under subsection (1) that the alien proves that he has a relevant background or training to act as a religious preacher or missionary or within a religious order. [...]

This (new) requirement clearly reveals the intention of the former Minister of the Interior, now minister of Ecclesiastical Affairs and Education (sic!), who, in an interview in regard to the drafting of the law, said he wanted to help groups of "moderate Moslems who want imams of a higher quality" (*Church News From Denmark* 6/7, October 2003).

In this connection it may be mentioned that politicians recently have tried to stimulate the establishment of a formal university based education of imams, and there is hardly any doubt that this is partly based on a wish to 'domesticate' the imams, or to put it bluntly, to produce Lutheran Protestant Muslim imams.

The law mentioned also reveals that it is better to be recognised formally as a religious community than not, especially if one wants to secure the transmission of the parents religion to new generations by way of imported missionaries and teachers.

A toughening of laws with special regard to the Muslim minorities can also be seen in the otherwise very liberal laws and rules regarding the establishment of *private schools*.

Today, there are more than 430 such schools with more than 75.000 pupils. A lot are Christian schools, and then there are some 18 Muslim/Arabic ones with (2001) a total number of pupils about 3.-4.000, i.e. some 10-12 % of all the pupils in Denmark with some kind of Muslim background.

The curriculum and teaching has to meet the standards of the public school, and each school must have a supervisor to guarantee this. But, in 1998 and again in 2002 and 2003 the law on these schools has been toughened: The language used in teaching must be Danish, the headmaster must master the Danish native tongue in writing and speech, and the schools are obliged to prepare the children for a life with freedom and democracy. Though there has been, most recently, some criticism of certain Christian schools, the debate mostly has focused on the Muslim ones.

Looking at Danish legislation besides this, it should be mentioned that it does not know of any general principle of equality or a general prohibition against racial or religious discrimination covering all fields of law. Nor is there

a general provision of equal opportunities in Danish legislation. So far no comprehensive anti-discrimination legislation has been initiated.

Looking at the Danish *Penal Code*, the most interesting features in regard to religious pluralism are the following:

§ 140 prohibits *blasphemy*, and runs as follows:

Any person who publicly ridicules or insults the religious teaching or worship of any religious community legitimately existing in this country, shall be liable to a fine or imprisonment for a term not exceeding 4 months.

This paragraph has not been in use since 1938, but following the murder of Theo Van Gogh in November 2004, there has been a political debate on whether the section should be repealed. On 18 March 2005 the Danish People's Party (Dansk Folkeparti) presented a bill to repeal § 140. The bill has not been considered yet.

§ 266b prohibits the dissemination of expressions of racial prejudice, and has the following wording:

(1) Any person who publicly or with the intention of dissemination to a wide circle of people makes a statement or imparts other information threatening, insulting or degrading to a group of persons on account of their race, colour, national or ethnic origin, belief or sexual orientation, shall be liable to a fine or imprisonment for a term not exceeding two years.

(2) When handing down punishment, it is to be considered as an aggravating circumstance that the statement is in the nature of propaganda.”

§ 266b criminalises statements that are disseminated publicly or to a wide circle of people. To the knowledge of The Danish Centre for Documentation and Consultancy on Race Discrimination (DRC), the paragraph has rarely been used against statements offensive to religion, but it has been used against statements offensive to race. These cases have, however, often concerned Muslim victims, and the fact that they were Muslims has often been part of the aggravation.

Of other anti-discrimination laws, mention may be made of The Act on the Prohibition of Differential Treatment on Grounds of Race *et al* (1971, and 1987), which warrants penalties for discrimination in public services, establishments and at events open to the public. It is thus an offence to refuse, in connection with commercial or non-profit business, to serve a person on the same terms as others because of his or her race, colour, national or ethnic origin, religion or sexual orientation. It is also an offence to refuse a person admittance on the same terms as others to a place, performance, exhibition, meeting or the like that is open to the public. The Act has a penal law character.

The Act on the Prohibition of Differential Treatment in the Labour Market came into effect on July 1, 1996. The Act contains a general prohibition against direct and indirect discrimination in the labour market due to race, colour, religion, political conviction, sexual orientation or national, social or ethnic origin. The Act has a civil law character and thus depends on private action for its enforcement. When it comes to discriminatory advertisements, however, section 5 of the Act is a criminal provision. Violation of this section is thus a criminal offence, and the sanction is a fine.

Newly introduced amendments legislate among other things for a shared burden of proof, and a prohibition against differential treatment on the basis of *faith*.

There has been also a few cases regarding the wearing of headscarf. The Danish Centre for Documentation and Consultancy on Race Discrimination summarizes as follows:

After working for a company for some time, an employee decided for religious reasons to wear a headscarf. Since the dress code prescribes a uniform and that employees are not allowed to wear anything on their head (if this is not part of the uniform), she was thus dismissed. The High Court decided on December 18, 2003 that this was not a violation of the Danish Act Prohibiting Discrimination on the Labour Market. This case was thus appealed to the Supreme Court with the support of the labour union (HK). The Supreme Court states that the company's dress code from August 2000 is enacted in order to signal that the company is politically and religiously neutral. This policy affects [the] Muslim woman in a negative way, but it is objective and thus not a violation of Act Prohibiting Discrimination on the Labour Market or the European Convention on Human Rights Article.

This is the first decision by the Danish Supreme Court in a case concerning headscarf. Compared to earlier High Court cases this was the first decision that will allow a company to reject applicants with headscarves in the future. On August 2, 2000 the Danish High Court ruled that dismissal of the plaintiff, solely on the grounds that – based on her religious convictions – she wore a headscarf, was an expression of indirect discrimination of the plaintiff. The emphasis was thus on the fact that enforcing the clothing guidelines, as happened here, will typically affect a specific group with the same religious background as the plaintiff. The plaintiff was thus compensated with DKK 10.000.

In March 2001 the High Court however made a decision in another headscarf case, that the Act Prohibiting Discrimination on the Labour Market was not violated. One out of the 3 High Court judges, however, found reasons that the Act was violated, and the decision, was consequently appealed to the Danish Supreme Court by the plaintiff. In the period before the next court hearing, the

plaintiff assisted the company by inventing a headscarf that fulfils all security and hygienic demands in connection to the work process. In return, for her assistance, she got a “reward” of DKK 30.000. It was thus decided to discontinue the case, by informing the Supreme Court about the agreement in December 2001.

There has, furthermore, been a case (1997) also on possible discrimination in relation to the free exercise of religion at an adult vocational training institution: A group of Muslims who wanted to pray while in school, did so in a corridor. Some ethnic Danes felt provoked about this, and to show their dislike poured out beer on the floor and drew blasphemous paintings on the wall. They were told to stop by the head, but at the same time the head also prohibited the exercise of prayer. When one Muslim, nevertheless, carried on with his prayer, he was dismissed from school. Relevant documents reveal that the head of the school had told him that he might be permitted to return if he did not pray or exercised his prayer in the restrooms.

The High Court ruled that the dismissal was not an act of discrimination in regard to belief, but a measure taken solely to uphold order at the institution. At the same time, however, the ruling may be said to indicate that basically there is a right to practice ones religion at the workplace or the like, something which has never been thoroughly discussed in Denmark, not even when the former Prime Minister openly declared that Muslims should pray in private, at home or in the mosque, - not at work.

Burials and burial places

Specific mention must be made of burial and burial places. Especially since this has been a hot topic in public debate. According to the relevant laws, it is the responsibility of the state to see to it that there are burial places for everybody, no matter if s/he belongs to the one or the other religious community, or to none. § 16 in the law opens up for the possibility of laying out municipal burial grounds, but so far this has not happened. Consequently, the existing burial places are, with the exceptions mentioned below, all belonging to The Folk Church.

Dissenting religious communities have, however, the possibility of laying out their own burial places. The Jewish community, the Reformed Church in Fredericia, and The Brethren in Christiansfeld are the only ones who have done so.

Furthermore, acknowledged or recognised religious communities outside The Folk Church can obtain sections on the churchyards of The Folk Church, if the Minister of Ecclesiastical Affairs as well as the local churchyard management authorize it. There are Roman-Catholic sections in 17 places, and Muslim sections in at least five places.

The problem for the Muslims (who in many years mostly preferred to be buried in their country of origin, but now – as time has gone by – in larger numbers prefer to be buried in Denmark) is that a grave in Denmark cannot be left in peace 'to the end of the world'. Some Muslims, besides, do not want to be buried in the (Christian) 'hallowed ground', and some simply think it is time to have their own, and to – in this way too – become an integrated part of Denmark.

So far, however, no group of Muslims have been able to buy and lay out such a Muslim burial ground. Some years ago, a Minister of Ecclesiastical Affairs promised to help them find one. When the ground was found, though, the price suddenly skyrocketed, and the Muslims could not find the money for it.

On the other hand, the 'fight for a burial ground' paved the way for an extraordinary coming together of Muslims in a special Danish Muslim Burial Foundation, said to comprise representatives from 24 Muslim organisations. If this number is correct, then the foundation may be a the first step towards that national council or board of Muslims which some Muslims (and several members of the majority and the government) have longed for for years. However, the fact still is that, contrary to what is the case in many other European countries, the Muslims in Denmark do not have such a council.

Chapels and churchyards of The Folk Church may also, at the discretion of the local churchyard authorities, be used by priests or the like from the acknowledged or recognised religious communities, but in that case

it is in principle also the local Folk Church authorities who must oversee that the rituals are performed in accordance with the traditions of the religion in question.

Hospitals, prisons, the army, - and the universities

When it comes to hospitals (most of them public), the state prisons and the army, it has for long been a tradition that religion, for various reasons, matters.

Many hospitals have one or more minister (chaplain) of The Folk Church attached, in a full or part time position. There are no ministers or the like from the other religious communities attached. During the last 10 years, though, more and more attention has been paid to the fact that there are, amongst the patients, people who belong to other religions. Hospital authorities, often in collaboration with the chaplains (sometimes also with experts on comparative religions), consequently have taken initiatives to inform the staff about the 'foreign' religions and the (possible) religious needs of patients belonging to other religions and 'cultures'.

This informative work has been in the form of seminars, leaflets and the like, and in many a leaflet there is information also on how to contact e.g. an imam if some patient wants so. Likewise the chaplains most frequently say that they are ready to provide name and address of such a person. It may also be mentioned that learning about not only Christianity but also other religions has become an obligatory part of the education of nurses. In this, as elsewhere, the focus is on Islam and Muslims, and this is also the case when it comes to the in-service training of nurses, including those who are supposed to help immigrants and refugees into a career as nurses.

In the Danish prisons too, the staff has long ago discovered that a fairly large percentage of the inmates are not 'irreligious lutherans' but various kinds of more or less believing and practicing Muslims. Consequently, the prison authorities, just like the police authorities (both under the Ministry of Justice) have for many years tried their best to inform the staff about 'the meeting of cultures', and about, especially, Islam and Muslims.

Contrary to the situation at hospitals, the prison chaplaincy has a longer history, and in some prisons it has for many years now been almost routine to allow Muslim inmates to have the halal-food they may want and to attend to e.g. the Friday noon prayer in some mosque. Some prisons have for many years also had an imam attached, and it is the rule that the chaplain says that s/he consider him- or herself available to persons of all faiths.

In the army there is always a military chaplain, and here, like in the prisons, the chaplains by and large will say that they are there also to serve soldiers of another faith than the Lutheran-Evangelical. So far the army, however, has not engaged imams, and it seems that the army has not tried to accommodate to the shifts in religious orientation in the same manner and to the same degree as have the prisons.

Finally, in this section, a word on the universities: Here too there is an old tradition for having a Folk Church 'university-chaplain' next to psychological and pedagogical advisors. These chaplains, like the other ones, normally will say that they are there for everybody, irrespective of the student's religious affiliation. A 'multi-religious' room has been established at one institute at the University of Copenhagen, and at the University of Roskilde.

Public schools

The Danish elementary school (covering nine years, from age six to 15) is a comprehensive school. The general aim, to which all subjects must contribute, is to educate the children to become tolerant, open-minded, creative, independent citizens in an open democracy with respect for human rights etc.

The executive orders for the school in general also state that a major aim is to "make the children familiar [intimate] with Danish culture and acquainted with other cultures". Since Danish culture is defined by reference to the majority religion of the country, this amounts (in principle) to some sort of religious instruction or religio-cultural indoctrination on all all levels of elementary school. In this context, 'we' and 'Danish culture' does not include the minorities and 'the other', for example the Muslims. The elementary school, then, is still used as an ethnic and national key instrument in

acculturating newcomers as well as ethnic Danes to a kind of Danishness which is not particularly pluralistic in terms of religion.

Religious education (RE) in elementary school has the name of 'Christian Knowledge', and though teachers and others have for many years tried to make the politicians change the name to 'Religion' (the name it has in upper-secondary schools), so far this has been in vain. The politics of identities penetrates deep down into questions about words, of course. Here in Denmark we are Christians, and the RE of the public school is not a relativistic, 'neutral' school subject, but a means to transmit knowledge about and values of the religio-cultural heritage of Denmark.

This may come as a surprise; nevertheless, since this school subject was (finally) freed of its close connection to The Folk Church in 1975. At this time only, it became, in principle at least, non-confessional, and *instruction* in the core teachings of the Lutheran-Protestant Church was (in the executive orders) replaced by words saying that the central *subject matter* shall be the teachings of The Folk Church.

The subject still had and has a special position since it is mentioned in a separate paragraph in the overall executive orders for the elementary school, and a possibility of opting out still exists. In 1975 a compulsory subject matter was introduced, "foreign religions and philosophies of life", to be taught either in Christian Studies, in History or in another subject. In 1993 this was integrated into Christian Studies, where "other" or "foreign religions" shall be taught, but only on the upper-levels, not the first five years of school.

That non-Christian religions are taught only at the upper-level is problematic for several reasons, in this connection of course because in many a school there are many pupils who(se parents) belong to another religion, especially Islam. Criticisms raised against this frequently is met by four arguments: Denmark is a Christian country; the name of the subject is (and must stay) 'Christian Studies' and not 'Religion'; children at this age cannot handle the fact that there is more than one religion, and they must first have a 'safe foundation' in their own religion before they are 'confronted' with other religions.

Before closing this section on schools, two more issues may be mentioned: In spite of fierce debates on the matters, most schools with pupils with Muslim backgrounds, have accommodated, at least in part to the needs of some of these new pupils. This shows in regard to the food offered, to special arrangements for Muslim children in connection with sports and swimming, and most places Muslim children can get a day or two off in relation to Id-al-Fitr. Also in regard to communication with parents most schools have adopted specific strategies, and lots of money and time has been spent on in-service training in Islam, Muslims, intercultural know-how and the like.

Finally: In a public discussion on freedom and equality of religion in Denmark, the Minister of Ecclesiastical Affairs (also the Minister of Education) refused to discuss what he termed 'formalities'. His point of departure, he said, was a cultural one, and culturally viewed Denmark was and ought to be a Christian country. In a discussion on RE, the name and the contents, in elementary school, he repeated the above mentioned point of view that the name must be as it is and that the main purpose is to familiarise all pupils, not least the Muslim ones, with the backbone of Danish culture, Lutheran-Protestant Christianity. Discussing also the possibility of opting out and the fact some (very few actually) Muslims parents withdraw their children from RE, he pondered the means to make sure that those parents who do so, in accordance with the same law, really do provide their children with knowledge of Christianity, here, by the Minister, shortened to 'biblical stories'.

Pondering the possibility of simply doing away with the opting-out possibility, the Minister stated that he was afraid of doing so, because that would be equal to saying [or making sure?] that the school was secular. He did not want that. He wanted the school to stay, as he said, multi-religious.

The interesting thing is not that he called it multi-religious (which it can hardly be said to be). No, the interesting thing is that he said that it was not, and must not be, secular. His statements, consequently, may be interpreted as a rather rare interpretation of article 4 in the Constitution, making it a must for all state institutions, not least the public school, by way of religious education

and other school subjects and extra-curricula activities, to support the state church.

An interesting interpretation, also if one considers that all members of parliament have to swear to uphold the Constitution. Interesting, of course, also to all those who considered the school a secular school, separated, in principle at least, from the church exactly by the Constitution of 1849.

Recognised religious communities

With the constitution 'dissenting' religious communities were recognised as having a formal and legal right to exist, and not just be there and be tolerated.

Some problems turned up quickly following the constitution. What to do with marriages outside the church, what to do with marriages in religious communities not given the right to perform such (by Royal Decree), what about registration of infants not baptised?

In regard to recognition of religious communities, the post-constitutional parliament decided to continue the pre-constitutional practice. Instead of having the king *recognising* the religious community, this right passed to the Minister of Ecclesiastical Affairs, i.e. it became an administrative practice. In this way applications from eight religious communities (all Christian) were dealt with from 1862 to 1969, and these eight, together with the aforementioned three quite often have been termed, not 'recognised', but *acknowledged* religious communities.

Following a new Marriage Act as of 1969, the administrative practice was changed. According to the Act a religious marriage can now take place "in other faith-communities when one of the partners belong to the respective faith-community, and if this faith-community has ministers who have been given the right to perform marriages by the Minister of Ecclesiastical Affairs." This means, that the only kind of 'recognition' to be obtained is linked to the right to perform marriages with civil validity, and as this right is (or rather: *may be*) given to certain ministers (or the like), it is in principle *ad hoc*. It must be added that the marriages performed within these recognised religious bodies must be registered by the civil authorities as well.

Parents belonging to an acknowledged or recognised religious community, have to register the birth of a child and a death at some office pertaining to The Folk Church. The Minister of Ecclesiastical Affairs recently aired a proposal of establishing some kind of 'post-box' making it possible for these 'dissenters' to register their children without getting into contact with representatives of The Folk Church.

Since 1969 some 100 religious communities have obtained the right to perform marriages. Since 1975 it has been possible to follow the developments by means of an annual statistics. A closer look, however, reveals there this statistics is far from systematic and quite often there have been discrepancies between the information given by the Ministry of Ecclesiastical Affairs and the statistics department. A list obtained (with great difficulty) from the Ministry of Ecclesiastical Affairs some years ago also revealed that the Ministry had no official records on applications denied, and several times the official listing on the website of the Ministry has not been up-dated.

Likewise, the statistics department has, during almost all of the years, explicitly excluded Muslims from their statistics, saying in a note that the number of Muslims has been estimated (by a named scholar) to this or that. A practice which may seem odd because several Muslim 'congregations' have been given the right to perform marriages, and therefore easily could have been registered in line with the rest, and because the numbers of adherents to the other religions have never been estimated besides the numbers of members given by the recognised and acknowledged religious communities themselves.

A development to be mentioned is that it seems to have become more and more important to more and more religious communities to obtain the right to perform marriages. The reasons for this are many: To be given the right to marry is actually the only way of obtaining formal recognition, and this recognition adds to the symbolic as well as economical capital of the religious community. A religious community recognised in this way are put on equal footing with the acknowledged religious communities in that they are exempted from valuation of real estate and from paying real estate tax. And, as said above, if recognised, it may be easier to get a religious teacher or

missionary into the country. But, the value of being recognised no doubt is to many a one of primarily symbolic character.

Economic advantages can also be obtained otherwise (and 'recognition' likewise): Religious communities may be recognised under § 8 A and § 12,2 under the Danish Assessment Act. This 'recognition' gives them e.g. the right to receive tax-deductible contributions and donations. Noticeable, however, is that there exist no formal or publicly known criteria used by the tax authorities as they exercise this discretion. And, though there is some overlap between the list of religious communities recognised by the Ministry of Ecclesiastical Affairs and the lists to be obtained from the tax authorities, there is no total overlap.

In this connection, finally, it should also be mentioned that religious organisations may also achieve public funding from certain public pools, e.g. in connection with various kinds of educational or cultural activities. Likewise, religious youth organisations may obtain similar funding. Those who do achieve these subsidies are mainly Christian organisations.

Criteria for 'recognition'

What does it take to be recognised as a 'religion' or 'faith community' by the Ministry of Ecclesiastical Affairs?

Up to 1998, the Ministry of Ecclesiastical Affairs had no neither clear nor publicly known definitions nor guidelines in this regard. The bishop of Copenhagen, the *primus inter pares* amongst the bishops in The Folk Church, functioned as advisor to the Ministry of Ecclesiastical Affairs. Applications were sent to the ministry which then forwarded them to the bishop who then advised the ministry.

Besides the wording of the Constitution as well as general theistic (and mono-theistic), Christo-centric and Lutheran-Protestant notions of what constitutes a religion and a religious community (cf. the expression 'faith-community'), a 'definition' given by a former Minister of Ecclesiastical Affairs seems to have been the basis of the decisions made. The 'definition', dating back to 1968, goes:

[In order to achieve recognition/ be given the right to perform marriages...] the religious community in question must be a faith-community in the usual sense of this word, i.e. not just a religious 'movement' or a religious or philosophical association but a (religious) community or congregation with the primary aim of worship of God (ritual) in accordance with a specific and formulated teaching and rite.

The passage quoted is followed by the specification of several other criteria to be met with in order to obtain the right to perform marriages and in that way become recognised.

It was also mentioned that the decisions taken by the Ministry of Ecclesiastical Affairs will depend on the size of the religious community, whether it has a solid organisational structure, including some system for the education of ministers to whom the executive power of performing marriages may be extended. Also, it is said, the minister or the like of the religious community must master the Danish tongue in writing and speech. In regard to the world religions, it is explicitly stated that it makes things easier if the applicant religious community is part of a world religion.

The practice of using the bishop of Copenhagen (the *primus inter pares* of the majority religion) as an advisor ended in 1998. The Ministry appointed a consultative board with a historian of comparative religion as the head and with a sociologist of religion, a theologian and a law scholar making up the rest of the members.

This board very quickly tried to make things more formal and more transparent, - and more contemporary. They drew up a set of guidelines (revised in 2002) and made them public at the website of the Ministry of Ecclesiastical Affairs. A new and broader working definition of religion, explicitly said to respect the contemporary plurality in regard to religions and notions of religion was put forward, e.g. substituting 'God' and 'belief in God' with belief in a 'transhuman power'.

The board made it very clear that it did not consider freedom of religion their 'business'. To apply for the right to perform marriages has to do

with an application concerning a delegation of the executive power and the bestowal of some privileges (besides the financial ones, also the easier access to get residence permit, the right of the ministers/vicars of the recognised religions not to witness if a breach on vows of secrecy, et al). A religious community which achieves this power and privileges, consequently, must meet some criteria which other religious communities do not necessarily have to meet.

Consequently, the board, at the same time as it broadens the concept of 'religion', also put forward some rather restrictive criteria for what – in this connection – can be recognised as a religious 'community' or organisation: The community has to have such a structure that it can be the object of public control. It must have a body of statutes, a body of legal representatives, and a structure allowing for formal adoption of members as well as for the members to exit the community.

Many things can be said pro et contra these guidelines, and they entail many more interesting details regarding e.g. the plight of the religious community to respect freedom of religion, including the right to change religion, and the removal of the former demand that the head of the community master Danish (the application must be in Danish though).

One thing, however, is for certain. The establishment of this consultative board of 'neutral' experts, with the published guidelines telling everybody what criteria they are to be judged upon, is an improvement in regard to transparency of an administrative practice which for long has been all but transparent. And, it has made it much easier for minority-religions to apply for recognition.

Concluding remarks

Looking at numbers of adherents as well as the constitution, I find it fit to stress that Denmark is *not* a multi-religious country, but a pre-dominantly mono-religious country with recent tendencies towards more plurality. It must, however, be added that in specific localities (certain bigger cities and neighbourhoods, certain schools, and the beliefs and practices of individuals) the religious pluralism is much more of a fact.

Religious pluralism, oftentimes also termed multi-religiosity, nevertheless is -in public discourses, i.e. on the level of rhetorics, politics of identities, discourses on the significant 'other' etc. - a 'social fact'. These public discourses make it, in my opinion, even more important to stress the facts and figures and the long mono-religious history of Denmark.

The economic, intellectual and symbolic power of the institutionalised, state supported Folk Church and the kind(s) of Christianity and Lutheran-Protestants notions of religion, of the place and location of religion in regard to e.g. politics, science and business, cannot and must not be underestimated. Though less than six percent of the 83 % Folk-Church Danes are regular churchgoers, though quite a few are belonging but not believing, and though the believers may not believe in a theologically correct and traditional way but in various 'new age' ways, the impact of hundreds of years of indoctrination cannot be and must not be underestimated. Not least if one wants to look at the minorities having to navigate in this field, and if one considers the problems they as well as the majority face in view of the current situation and tendencies towards a change in the religious landscape.

In regard to freedom of religion, though, the situation in Denmark no doubt is not too bad, especially in comparison to other countries.

This is true also in regard to the new religious movements. Denmark has it's anti-cult movement, but their influence has weakened during the last 10 years, and historians of religions actually have managed to compete with them as favourite experts in the media. Besides, there is no longer the same focus on these NRMs as 10-15 years ago. Islam and the Muslims have taken over as the significant other.

Nonetheless, things can always be improved. First of all, of course, it may be argued that the constitutional privileging of The Folk Church ought to be changed, i.e. the state ought to become secular, because a secular (not secularistic) state is the best guarantee for freedom of religion, and the most pragmatic framework for a democracy housing a plurality of religions.

This step would not only give the very same Folk Church more freedom. It would also serve the purpose of creating, on the constitutional

level, an equality of religions, which – in my opinion – is a prerequisite for more freedom of religion.

Due to the politics and rhetorics on religion, culture and identity, and to the present political climate and parliamentary situation, a change of the Constitution, not least the articles pertaining to the privileging of The Folk Church, seems unlikely to take place within the nearest future.

Waiting for constitutional and legal changes, including an up-dating of the terminology (to bring it in line with the more neutral and universal wording in the international conventions) of the relevant articles, one may enjoy the noticed improvements in the *administrative* practice of the Ministry of Ecclesiastical Affairs. The Ministry most certainly is not a Ministry of Religious Affairs, but the substitution of the bishop with a advisory consultatory board of experts on religion, and the guidelines provided by this board most certainly is a major improvement. The wording of their definition of religion is still too Christo-centric, but it is, nevertheless, much better and broader than the former, and there is no doubt that it would matter if the Danish courts were to judge on matters pertaining to the question of what it takes to obtain the name and status of a 'religion'.

Waiting for a change of the Constitution, the state also ought to reconsider the registration of the births, now in the hands of The Folk Church. It could easily be transferred to the state or the municipalities, freeing non-religious and other-religious parents from registering their children at the local Lutheran-Evangelical church.

Likewise article 82 ought to be implemented by way of making sure that non-members of The Folk Church do not subsidise the paying of the salaries of the vicars of The Folk Church as well as other parts of its budget. In line with this, of course, the state ought to make sure that if, as is the case now, everybody helps finance the education of the ministers of The Folk Church, then everybody also should help finance the education of the ministers and the like of the minority-religions.

This said, I still think that the most important duty for the state, be it secular or as it is now, is to do better when it comes to education of the citizens in regard to religion. Even if the (nation-)state consider it in the

interest of the (nation-) state to build and rebuild the identity of the nation by building and rebuilding the identity of the citizens as this is defined in regard to the traditional majority-religion, it also ought to provide knowledge of other religions, and it ought to do so in a neutral, informative and pluralistic way. In today's world, producing citizens ought to include the production of cosmopolitans.

In my view, one of the greatest problems in Denmark (as elsewhere) in regard to freedom and equality of religion(s) is the power, dominating and exclusivistic (and mostly undiscovered, hidden, 'naturalised'), of the dominant normative *notion* of religion. A secular religious education can help distance people from religion, help them get a relativistic point of view, also in regard to their own religion.

Looking at the situation for e.g. Muslims in Denmark, there can be no doubt that the public discourses on religion, the Muslims, the 'us' and the 'other' in the media is a major player. The relationship between majority and minorities is to a large degree dependent on the representations of religion, in general, and in regard to our religion and the religions of the 'other', in the media. Journalists and editors, well educated in the results of the comparative study of religions would be better equipped to meet the needs of a society and a world with more religions, more gods, and more truths.

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