Part III

Conclusion: The Emerging Right To Religiously Neutral Governance
CHAPTER TWELVE

TOWARDS RELIGIOUSLY NEUTRAL GOVERNANCE

The Relevance of State–Religion Identification

This study addresses the question of how the different modes of state–religion identification affect the state’s scope for compliance with human rights. To answer this question, a twofold approach was called for: firstly, the focus was on the spectrum of state–religion relationships based on a comprehensive comparative legal analysis; secondly, the forms of state practice that surround the different forms of state–religion relationships have been scrutinized from a human rights perspective. Thus the study has endeavoured to present a human rights-based assessment of the various modes of state–religion identification and of the various measures and forms of state practice that surround these different state–religion relationships. The comparative legal framework proposed in Part I is intended to do justice to the large spectrum of state–religion identification and to take account of the many nuances that exist between different forms of state practice. The proposed comparative framework is also intended to foster future research in the field of state–religion identification and human rights law. Part II of this book builds on this comparative legal framework. This part is premised on the notion that international human rights monitoring bodies are established so as to provide guidance on how to implement the adopted standards. Though they may not be in a position to dictate in detail how states ought to organize their political system internally, their official interpretations and applications of internationally adopted fundamental norms could very well, in themselves, have a bearing on the legitimacy and, ultimately, the tenability of certain forms of political organization. The research of Part II is further premised on the notion that the issue of state–religion identification does not only bear upon matters of religious freedom. In order to obtain answers to the type of questions posed by this study, state–religion relationships should be analysed in light of a multitude of human rights norms. In order to offer such a wider analysis of the large variety of often interwoven human rights-related issues, this study presents a range of thematic case studies. These thematic case studies substantiate that the variety of human rights questions that emerge under the different parts of the state–religion identification spectrum often cut across geographical regions. This indicates that it is not the specific religion with which the state identifies that forms obstacles to full human rights implementation, but rather the precise modus of state identification with religion.