Destabilizing Religion, Secularism, and the State

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Beyond Religious Freedom: The New Global Politics of Religion, by Elizabeth Shakman Hurd. Princeton, NJ: Princeton University Press, 2015.
Religious Difference in A Secular Age: A Minority Report, by Saba Mahmood. Princeton, NJ: Princeton University Press, 2016.

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While over a long time the dominant trend in academia assumed the emergence and development of the state to be a process of secularization, current political developments around the globe have given rise to a renewed scholarly interest into, what has been called, the "resurgence of religion."[1] Interpretations of the wars in Syria, Libya, and Yemen as "sectarian" struggles abound in public discourse. The fate of Yezidis in Iraq and Rohingya in Myanmar, among others, has propelled concerns about persecuted "religious minorities" to the center of international attention. The public discourse that uses "religion" as a central descriptive and explanatory category connects to, but stands orthogonal to, academic discourses on secularization, especially in Europe. Thus, more and more scholars have come to problematize both the "secularization" and the "religious resurgence" paradigms for their inability to account for the modern state's continuous engagement with religion. Talal Asad's path-breaking work has particularly shaped the emerging field of "secularism studies." Asad challenges the liberal narrative of "Euro-American" democracies as "secular" and questions the analytical value of understanding "secularism" as separation of church and state, religion and politics. For Asad, the essence of secularism is *not* the protection of civil liberties against the tyranny of religious discourse. He suggests that neither religious indifference, nor rational ethics, nor political toleration are characteristics of the secular state. Rather, the secular state is "a complex arrangement of legal reasoning, moral practice and political authority" that constantly re-negotiates the place of religion in society.[2]

Elizabeth Shakman Hurd's *Beyond Religious Freedom: The New Global Politics of Religion* is a timely and compelling critique of the burgeoning

prevalence of religion as normative and analytical category in both global politics and academia. Instead of addressing the omnipresent question "How should states deal with religion?" Hurd takes a step back and asks, "What are the consequences when the category of religion becomes an object of international law and international public policy?" (2). Addressing core concerns of scholars of international relations, political theory, and contemporary religion, she seeks to understand how global advocacy for religious freedom and religious rights changes the lives of people and the ways they live their religion. The book's broad canvas of empirical evidence illustrated throughout the chapters ranges from evangelical religious freedom advocacy in Sahrawi refugee camps, the non-recognition of "witchcraft"-related persecution in the Central African Republic, to programs aiming at exporting moderate religion in Albania by the development agency USAID. The arc of Hurd's arguments seeks to contradict the widespread belief and normative assumption that the globalization of freedom of religion, government engagement with faith communities, and legal protection for minorities can be a solution to what is negotiated under the term *religious* or *sectarian* violence. Her argument is based on the claim that "religion is too unstable a category to be treated as an isolable entity, whether the objective is to attempt to separate religion from law and politics or design a political response to 'it'" (6). She identifies three widespread fallacies in academic and popular discourse: first, conceptualizing religion as normative, singular, and prior to other affiliations; second, treating "religions" as entities that are interacting with each other; and third, using religion as an explanatory factor that mindlessly reduces the complexity of the multifaceted social, political, and economic quagmires people find themselves in (12). Hurd's critique adds a voice to the group of contemporary scholars of religion that are skeptical of popular attempts to define religion for scholarly and political purposes.[3]

As an alternative, Hurd provides a remarkable collection of adjectives to characterize religion as a category that is messy, unstable, multiple, ambiguous, diverse, shifting, multiform, contested (6, 30, 118). This performative destabilization of "religion" as a category is juxtaposed in a relationship of generative tension with the proposal to differentiate heuristically between expert religion, lived religion, and governed religion. While she concedes that these dimensions are characterized by a strong mutual interdependence, this analytical triangle allows her to mount a radical critique of large parts of current scholarly work on religion and politics. She calls into question the "interpretive rubrics of secularism, separationism, sectarianism, or church-state policies" because of their inability to account for many everyday practices of religious individuals and groups (118). Thus, the book urges us to rethink critically the framing and scope of the proliferating research in

(comparative) political theory claiming to explicate political concepts from "an Islamic perspective" or "in Christian thought." Moreover, scholars have to accept the challenge to counter the bias toward religious leaders as representatives of religious groups by including the multifaceted, lived plurality of such groups in their conceptualizations of religion. While this is especially true for socio-political philosophy relying on the work of Charles Taylor, John Rawls, and Jürgen Habermas, it also applies to other strands critical of "secularity," including the "postmodernist" critiques that have helped to revive the discourse of "political theology," and the genealogies of power drawing on Michel Foucault, Edward Said, and Talal Asad (133). Hurd's appeal to consider critical insights on the sociological and context-dependent pre-understandings that inform thinking about "religion" supports Cécile Laborde's methodological challenge to republican and liberal theory, proposing instead to "disaggregate" religion.[4]

Hurd's critique of uniform conceptions of religion allows her claim that purportedly universal religious freedom in fact only supports a historically specific form of religion, religious subjectivity, and freedom (38). Most US-sponsored religious freedom initiatives see religion as that which is most "like us." Thus, the North American free-church model and a Protestant understanding of religion as belief serve as both implicit points of reference and idealized normative standards (74). As only some religious groups around the world conform to this historically specific model, some groups' spiritual and religious practices do not count as religions in the eyes of the authorities. In chapter 2, Hurd scrutinizes the intricacies of the perceived need to not only distinguish between religion and non-religion, but also between the "two faces of religion," good religion that has to be fostered and bad religion that has to be surveilled. Since the end of the "secularization-as-privatization" paradigm, Hurd argues, religion is now largely perceived as being the problem *and* the solution at the same time (110). Thus, "moderate" and "tolerant" religions are expected to counter extremism, to promote gender inequality, to protect minorities, and to catalyze democratization (3). Hurd convincingly argues that "the good religion-bad religion mandate has become an industry" (35) and urges us to reflect on the discriminatory effects of these distinctions. However, by putting all its argumentative weight behind the diagnosis of a bipolar good–bad religion distinction, the book fails to address the question how to think about the large grey area between these two extremes. *How*, referring to what categories, and employing what rationality is religious difference being levelled out or reinforced? What is the work that overlapping and contradictory distinctions between moderate/extremist, tolerant/intolerant, pro- and anti-"liberal modernity" (35) perform on the ground? Considering, for example, the anti-liberal stances of many evangelical

religious freedom advocacy groups with regards to HIV/AIDS, abortion, and gay marriage, it remains unclear why Hurd refrains from scrutinizing the multi-layered spectrum of differentiations that stratify and hierarchize this "middle ground." Yet, this omission can serve as a useful starting point for further historical and theoretical considerations: Based on what political, sociological, and hermeneutical assumptions do states come to support or to marginalize particular religious groups?

One of the book's main criticisms of the "privileging of religion" as a category in public policy is that certain political struggles fall under the radar because they do not qualify as religious. For example, the resistance of the K'iche', a Maya ethnic group in Guatemala, against mining and hydroelectric activities "for religious and cultural reasons" has failed to be recognized as a violation of religious freedom by international actors such as the US state department (50). While such a recognition surely often provides a powerful resource for these struggles, Hurd fails to demonstrate how the simultaneous failure of other forms of international protection such as social, economic, political, and cultural rights contributed to the alleged political and juridical illegibility of the issue. The book vividly demonstrates that globally more and more resources are being allocated to policies aiming at the protection of religious freedom. However, beyond referring to a simple zero-sum logic of limited resources, the reader awaits in vain for a relative evaluation of the "privileging of religion" in contrast to the proliferation of other forms of government intervention and human rights regimes. An open question that remains after reading the book is thus, What is the relation of this rise of religion as a privileged category to projects such as human rights advocacy or identity politics? Unfortunately, Hurd also fails to connect her argument to the controversies between liberal, communitarian, and republican theories of democracy. Many conundrums she identifies with regards to the category of religion are strikingly similar to core issues in these debates. This includes the tense relation of protection of conscience versus practice, personal rights versus collective rights, and majoritarian identity versus minority protection. Thus, her book would have hugely benefitted from putting into perspective the advocacy of religious freedom and the advocacy for multiculturalism and minority protection. Engaging for example with the work of Will Kymlicka would have enabled the book to clarify the unfortunate vagueness concerning the extent to which "religion" differs from "culture" or "identity," for instance, as a basis for exemption clauses such as Sikh exemption from motorcycle helmet laws in Canada.[5]

The conceptual thrust of the book is to criticize the use of religion as a central explanatory factor, a "causal powerhouse" (2), that serves as the basis for public policy. Struggles based on ethnic and gender discrimination or

caused by economic, social, and political motives become side-lined in that process. However, only in a few instances does the book explicate its underlying normative commitments: "emancipation" (64) and "deep and multidimensional democratization and pluralization" (112). This parenthetical position of the book's main normative objectives is unfortunate. Concretizing her understanding of emancipation, democratization, and pluralization would have enabled her to engage the fascinating insights into religion as global political category with most recent debates in political theory. For example, apart from a brief affirmative reference to Patchen Markell and Charles Taylor (54), Hurd simply elides the way in which her argumentative arc provides resources for a powerful critique of the negligence of subordination in the "justice as recognition" paradigm.[6]

It is particularly remarkable that the relation between the focus on juridico-political concepts like religious freedom and minority rights on the one hand and democracy on the other hand remains unclear. Hurd seems to reject the popular but historically unsustainable claim that supporting religious freedom contributes to democratization—itself a skewed version of Habermas's assertion that religious tolerance can function as a pacemaker for cultural rights and *a fortiori* of the constitutional state.[7] If privileging religious freedom as guiding doctrine does not necessarily foster and often even impedes religious, civic, and political equality, how does this affect democratic politics? The book's eschewal of this issue indicates a key question that remains unanswered: How, and to what extent, does the focus on religion in global politics thwart or foster emancipation and democratization? One way of dealing with this question is to further explore the possibilities of post-conventional identities such as that of "constitutional patriotism" as proposed by Habermas.[8] However, as Saba Mahmood indicates in *Beyond Religious Freedom*, Habermas's (and Žižek's and Gauchet's) emphasis on the Christian genealogy of democracy and human rights might turn out to be a performative contradiction inhibiting the emergence of the very post-conventional identities they advocate (8).

Despite Hurd's close engagement with the critical secularism literature that draws on Asad and Foucault, her depiction of the "re-injection" of religion into politics reveals that she attributes power mainly to political actors. When, in the last chapter of the book, Hurd explores possibilities to overcome "religion" as a category in politics altogether, the reader wonders whether, and how, governments, experts, and religious groups have the agency required to de-problematize the relationship between religion and politics. Regrettably, she never comes back to her initially proposed thought experiment of imagining what a world with "dethroned religion" would look like. A further doubt arises with regards to the coherence of her attribution of agency when she conceptualizes expert

religion and governed religion as being produced by "those in positions of power" (7). If everyday, dissenting, and non-conventional forms of religiosity are considered to be of such an outstanding conceptual and normative importance, why does she not move beyond Weberian understandings of power? Why does Hurd not consider the potentially decisive analytical benefit of more relational, decentralized conceptions of power, knowledge, and subjectivity in that regard? This could have also resulted in paying more attention to dissent from, and forms of resistance to, the "faith-based" consensus that remain underexposed throughout the book. Despite these omissions and missed opportunities, Hurd manages to engage with an impressive array of conceptual and empirical challenges by opening up an ambitious analytical space. The compelling push to systematically destabilize religion as a political category and to normatively think beyond religious freedom makes this book an outstanding contribution for those with an interest in the intricate relationships of religion and global politics.

Saba Mahmood's *Religious Difference in A Secular Age: A Minority Report* also includes extensive theoretical references to the field of secularism studies. Hurd and Mahmood both acknowledge their mutual influence on each other, not least due to their collaboration with Winnifred Sullivan and Peter Danchin on a joint research project on religious freedom. Both books are concerned with the effects of the legal implementations of employing religious freedom and religious difference in modern liberal governance. Moreover, the two books combine an interest in diverse, transdisciplinary methodologies, opening analytical space to not only focus on political secularism but also to better understand "secularity" as "the shared set of background assumptions, attitudes, and dispositions that imbue secular society and subjectivity," as Mahmood puts it (181). Analyzing the controversial reception of the contemporary novel *Azazeel* in Egypt enables her to demonstrate that "secular time" and its historicity is the battle ground on which both Coptic clergy and the author seek to prevail.[9]

The main concern of the book is how to conceptualize secularism in both its unity and dispersion. Mahmood forcefully demonstrates that while there are historically distinct variations, secularism is a specific aspect of liberal governance with commonalities that reveal striking structural similarities between Middle Eastern, European, and North American countries. Mahmood provides the reader with a fascinating anthropological analysis of the situation of Coptic Christians and Bahais in Egypt. Her study is grounded in a thorough historical investigation of the colonial roots of minority legislation and fifteen months of fieldwork in Cairo, where she has worked with the prominent legal aid organization Egyptian Initiative for Personal Rights (EIPR).

Mahmood's book can be read as a parable of five paradoxes that she attributes to modern secular governance. The first paradox of political secularism consists of the promise to eradicate religious difference when it comes to the distribution of rights and freedoms, while at the same time reproducing and polarizing parochial, communal affiliations (1). The second, related paradox is that making the state into the arbiter of religious equality and thereby reducing the significance of religion from the standpoint of the state to the politics of rights and recognition, strengthens the prerogative of the state to intervene, reorder, and colonize religious life. This, in turn, often results in the exacerbation of religious inequality (211). Echoing Hurd's critique of religious freedom advocacy by evangelical groups from the United States, Mahmood demonstrates that employing Euro-American minority language guarantees powerful international support for Copts and Bahais, and simultaneously complicates the situation of the minority towards the Muslim majority—a third paradox (102). Fourth, the state's role to act as a guardian of national identity including culture, religion, and language stands in a paradoxical relationship to the inviolability of religious beliefs that it is expected to guarantee (172). Finally, while promising equal civic and political rights to all citizens, the delineation of religious morality and sexuality as "quintessential elements of private life under secular modernity has created an explosive symbiosis between them that is historically unique" (9).

The book's investigation of the fifth paradox is a particularly valuable contribution to the debate on secular power because it vigorously argues that the call for a stricter separation between religion and politics in order to achieve more gender equality is inherently flawed. Mahmood criticizes the assumption that family law remained so powerful today because it had been left intact by colonial powers in what is often referred to as "incomplete" secularization of Egypt (116). Instead, modern law has turned shari'a—a decentralized, incoherent system of locally administrated norms—into a strictly hierarchical system of rules. Family law, Mahmood argues, has thus become a "central technique of modern governance and sexual regulation." She vividly substantiates these claims by illustrating the state's involvement in policing potential conversions to Islam in cooperation with the Coptic Orthodox Church.

In addition to her compelling critique of the relationship between sexuality and secularism, Mahmood's comparative analysis of the legal treatment of religious minorities in Egyptian courts and the European Court of Human Rights (ECtHR) is particularly persuasive. The author dissects how Egyptian courts have sanctioned the practice of the Ministry of Interior in withholding the identity cards of Bahais due to the legal prohibition against recording Bahai faith in the designated official space. These decisions have been legitimized by the

appeal to public order, protecting a majoritarian understanding of national culture. According to the court ruling, an integral part of national culture is the exclusive recognition of the traditional religions: Judaism, Christianity, and Islam (163). In the next step, Mahmood argues that the ECtHR decisions in *Lautsi v. Italy* and *Dahlab v. Switzerland* follow the same majoritarian logic as the Egyptian court cases. Crucifixes in public schools are interpreted as expression of Italian "civilization" *and* its "secular nature." In contrast to that, the ECtHR holds that the headscarf of Ms. Dahlab "might have some kind of proselytizing effect," which is why it is legitimate to request its removal (168). Mahmood's comparative analysis is captivating not only because of its methodological innovations but also because it points out striking structural parallels in secular power that transcend the divide between Euro-America and the Middle East.

However, the scope and meaning of her conclusion that all religious minorities in modern states "occupy a structurally precarious position—the particular shape this inequality takes" (11) is questionable. First, she fails to explicate what she means by "precarious." The similarities between the plight of Copts in Egypt and Muslims in Europe with regards to a dominant "national culture" are outlined in a convincing way. However, compared to Catholic Irish people living in England or Copts living in the USA, the parallels become much less evident. If "precarious" is used to signify differential treatment on grounds of religion, as the passage quoted suggests, it is unclear why she uses the term "precarious" at all. Alternatively, in a more conventional meaning of the term, the use of "precarious" could include intersectional, potentially disadvantaging factors in addition to religion, such as ethnicity, language, gender, social, and economic situation. However, in this case, it is unclear how the vast disparities of living conditions between different religious groups in modern states are linked to their religious inequality.

The more profound conceptual problem with the book's argument, however, pertains to the ontological and epistemological status of the central categories "minority" and "religious difference." Mahmood provides a compelling genealogy of the emergence of the term "minority" through an account of the interventions of colonial powers under the pretext of protecting persecuted Christians. The depiction of the struggles among Copts whether to accept the designation as "minority" and the protections this entails, or to maintain the position that Coptic Christianity is integral part of Egyptian national culture showcases the problem of determining when it is appropriate to speak of a minority and what the stakes of this designation may involve. Beyond the Copts and the Bahais, who else is included when Mahmood talks about religious minorities? She might answer in a discourse analytical fashion that she refers only to internal or external designations at the level of the objects of her

study. However, what if a religious group is not treated under the rubric "religious minority" and does not self-identify as such? Do the book's bold statements still hold true for them? What about confessional distinctions "within" Egyptian Islam like those between Salafis, Muslim Brothers, Sufis, and secular Muslims? Is there a certain degree of explicated difference or political salience that makes a group a minority that is in a "structural precarious situation"? Or should we, as Hurd demands with reference to Hamid Dabashi, dismantle the notion of minority/majority altogether (107)?

While Mahmood's usage of "minority" as a term on the object level is unclear, her use of "religious equality" raises a set of questions on a conceptual level. Mahmood points out that "religious equality" is an ambiguous concept because of the tension between the "modern aspiration for religious equality" and what the state mandates it to be (209). She points out that there exist "parallel and often contradictory understandings of religious equality" (209). These *contradictory understandings* include for example the ideal that religious difference should not matter with regards to civil and political rights, which stands in contrast to the ideal that religious minorities are recognized as groups that deserve special protection by the state. This seems to suggest that the main problem with realizing "religious equality" is that it is unclear what the concept actually means.

At the same time, Mahmood argues that the *legal instruments available to pursue* the ideal of religious equality lead to the "impossibility of its realization" (5). Thus, the inadequacy of legal instruments seems to be a second reason for the impossibility of realizing "religious equality." The book vividly demonstrates that charging the state with guaranteeing religious equality results in the second paradox of colonizing religious life worlds and thereby undermining the equality it promises to establish. However, it does not become completely clear to the reader how the *contradictory understandings* of the concept of religious equality and the problems of its *realization* relate to each other. Is the realization of religious equality impossible *because* of its conceptual ambiguity? Or would the realization be impossible even if the concept was defined in a coherent way, for example, because the modern state is per se an inadequate instrument? If one were to disaggregate religious equality, the same way Hurd attempts with the category of "religion," would it not be possible to realize *a certain version* of religious equality, particular and "sectarian" as it might be? These inquiries do not suggest the establishment of stable categories that the book tries to problematize. However, it would have been very helpful for readers that seek to track the "practical and material unfolding [of a concept] in society" (22) to get a clearer understanding of how the author balances the tension between unstable empirical occurrences and the possibility of a minimal semantical core of these concepts.

Finally, Mahmood's argument about the paradoxical relationship between political secularism's promise to deliver religious equality and the factual exacerbation of difference it causes seems to assume that the liberal state actually tries to live up to its promise. However, could promising religious equality not be a mere lip service to the "ideals" of parts of the population? Following this logic, one could assume that the state is in fact primarily interested in securing its own stability. Expanding its sovereignty to be able to transform religions in line with its interests, to keep certain groups in a precarious situation, and to govern sexual and family life, could be interpreted as being exactly what the self-sustaining logic of the state demands. This interpretation would call the paradoxical nature of political secularism into question. To the contrary, secularism would then have to be understood as a prevalent yet less exceptional governmental mechanism following the raison d'état of the modern state. These caveats notwithstanding, *Religious Difference in a Secular Age* is very skillfully argued and abounds with fascinating stories of the everyday effects of secular power. Mahmood provides an outstanding example of how an anthropologist can make an innovative contribution to some of the conceptually and theoretically most challenging questions in political theory.

Hurd criticizes the tendency to understand religion as a "missing dimension of statecraft" (66). One synthesis that can be drawn from reading both books is that, instead, political secularism has to be appreciated as a key governing mechanism of the "statecraft" of every modern state. However, if state regulation of religious difference exacerbates polarization and inequality, what is the alternative? The challenge is hardly adequately met by reducing religion to just one more characteristic feature of individuals or groups as Philip Pettit's latest formulation of republican democratic theory seems to suggest. While Hurd seems to assume that the overall importance of religion can be reduced, Mahmood emphasizes that we have to expect that secularism, like modernity, will not go away any time soon. In the reluctant solutions both books suggest, it becomes clear that the involvement of the state in the management of religion has to decrease. Moreover, both the state and the non-state actors involved should refrain from reproducing religious difference as a central legal and political category. Mahmood's vague suggestion of a more ethical thematization of religious difference (213) and Hurd's cautious hope in William James's anarchist vision combined with Deleuze's philosophy of becoming (108) can serve as an invitation to think about alternatives to state-centered political secularism. For this challenging and pressing endeavor, the combined reading of both books provides a unique space of critical reflection to start from.

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Notes

1. See Ernst-Wolfgang Böckenförde, "Die Entstehung des Staates als Vorgang der Säkularisierung," in *Staat, Gesellschaft, Freiheit* (Frankfurt: Suhrkamp, 1976); Peter L. Berger, ed., *The Desecularization of the World: Resurgent Religion and World Politics* (Grand Rapids, MI: William B. Eerdmans, 1999).
2. Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA: Stanford University Press, 2003), 255; see Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore, MD: Johns Hopkins University Press, 1993).
3. William E. Arnal and Russel T. McCutcheon, *The Sacred Is the Profane: The Political Nature of Religion* (New York, NY: Oxford University Press, 2013); Winnifred F. Sullivan, *The Impossibility of Religious Freedom* (Princeton, NJ: Princeton University Press, 2005); Timothy Fitzgerald, *The Ideology of Religious Studies* (Oxford: Oxford University Press, 2000).
4. Cécile Laborde, *Critical Republicanism: The Hijab Controversy and Political Philosophy* (Oxford: Oxford University Press, 2008); Cécile Laborde, *Liberalism's Religion* (Cambridge, MA: Harvard University Press, forthcoming).
5. Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1995), 31, 152–63; Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford: Oxford University Press, 2007).
6. For a useful summary of the arguments, see Nancy Fraser and Axel Honneth, *Redistribution or Recognition: A Political-Philosophical Exchange* (London: Verso, 2003).
7. Jürgen Habermas, *Between Naturalism and Religion: Philosophical Essays* (Cambridge, UK: Polity Press, 2008), 251–70.
8. Jürgen Habermas, "Citizenship and National Identity," in *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge, MA: MIT Press, 1996), 491–515.
9. *Azazeel* is an Arabic novel by Youssef Ziedan dealing with the doctrinal dispute about the dual nature of Christ that led to a major schism in Christendom after the Council of Chalcedon (AD 451) and that eventually gave birth to the Coptic Orthodox Church. In the ensuing controversy, clerics of the Coptic Church accused the Muslim author of fostering sectarian strife, defaming Christian religion, and misrepresenting historical facts, while Ziedan claimed that he writes historical fiction from his position as a human, not as a Muslim.

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Tobias Müller is a PhD candidate at the Department of Politics and International Studies, University of Cambridge, and Research Associate at the Cambridge Institute on Religion & International Studies. His doctoral research analyses the interactions and mutual transformations of Muslim communities and the state in the UK and Germany. His research interests include contemporary and critical political theory, continental political thought, theories of secularism, politics of religion, and Islam in Europe.