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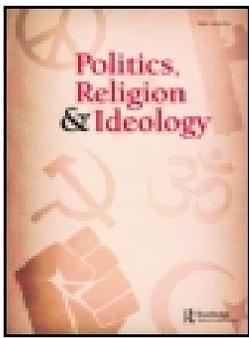
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# One Step Further Beyond the Religious-Secular Paradigm

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## One Step Further Beyond the Religious-Secular Paradigm

In the European 1880s, G n v ie Hal vy, daughter of Fromental Hal vy, the composer of the opera *La Juive*, reportedly replied to an interlocutor who had asked her about her religious affiliations: ‘I do not have enough religion to change it’.<sup>1</sup> In 1813 still, her grandfather  lie Hal vy had fiercely criticized the French State for having forced him to call his daughter M lanie instead of being allowed to give her the name of Sara.  lie had come to France from Bavaria, after the Declaration of the Rights of Man and the Citizen and the acquisition of citizenship rights for the French Jews.<sup>2</sup> The bias in favor of the Christian Calendar, more than 20 years after Emancipation, was a disappointment to him. His granddaughter G n v ie could not have surmised that the transformation of ‘being Jewish’ into ‘having a religion or none’, would soon be so tragically and complexly intertwined with ‘being of a specific race’ in the European context.

Elizabeth Hurd’s *Beyond Religious Freedom* is a contemporary American contribution to the longstanding but regrettably still marginal insight that the ideal of ‘freeing’ religion from politics in modern nation-states is based on a fraught and deeply problematic abstraction of religion from its worldly entanglements, and from minority-majority relations in the first place. The current global context that Hurd discusses is very different from the nineteenth-century context of experimentation, hope and disillusionment. Freedom of religion has been institutionalized to a large extent, homogenizing partialities and majority biases have been criticized, nation-states are being relativized through globalization. Yet, race, ethnicity, religion and power are still complexly intertwined, and human rights, religious freedom prominently among them, have been exposed to be intertwined with American (and European) foreign politics, and Christian legacies.<sup>3</sup>

Hurd’s book is one of the landmarks in a series of critical reflections on the concept and politics of ‘religious freedom’ today. Hurd has participated and initiated much of the critique of the politics of religious freedom, and, relatedly, of modern liberal secularism over the last decade. Hurd’s book takes us along the modern international history and present of the idea of ‘freedom of religion’, in relation to the more realistic interpretation of the relations between states and religion in terms of the governance of religion. An important aspect of such governance concerns the ‘good religion, bad religion’ policy tradition which tries to govern ‘secularly’ through the management of religion, which is especially strong in international politics. Along her argument, Hurd takes us to the contemporary forms of how religion is intimately connected with ethnicity, race, and neoliberal capitalism in specific contexts. She criticizes the humanitarian interpretation of religious freedom and shows how it is at the center of American foreign policy at least since the installation of USCIRF in 1998 (the United

<sup>1</sup>Cited in Michael R. Marrus, *The Politics of Assimilation: A Study of the French Jewish Community at the Time of the Dreyfus Affair* (Oxford: Clarendon Press, 1971), p. 61.

<sup>2</sup>Henri Loyrette (ed.), *La famille Hal vy 1760–1960* (Paris: Biblioth que Arth me Fayard, 1996), p. 54.

<sup>3</sup>Peter G. Danchin, ‘Islam in the Secular Nomos of the European Court of Human Rights’, *Michigan Journal of International Law*, 32:4 (2011), pp. 663–747; Winnifred Fallers Sullivan, Elizabeth Shakman Hurd, Saba Mahmood and Peter Danchin (eds), *The Politics of Religious Freedom* (Chicago: Chicago University Press, 2015); Samuel Moyn, *Christian Human Rights* (Philadelphia: University of Pennsylvania Press, 2015).

States Commission on International Religious Freedom). She traces the politicization of religion over the last 50 years, which went on through the Cold War and took new shape during its aftermath. Hurd's basic intention is to question and critique the

influence of a growing expert consensus in European and international public policy circles that majority and minority religions are natural groupings that exist prior to law and politics, and that it is the duty of the international community to guarantee their (religious) freedom. (p. 99)

She does so convincingly.

The ideal typical interpretation of religion as a matter of belief, in that 'free' domain of individual conscience, is far from evident in the real world. Religions, as well as the differences between them, are shaped throughout political processes from local up to international scales. Conflicts between 'religious sects', (an oft-heard term) in countries like Syria and Egypt, are not largely the result of opposed religious convictions. They arise from complex social processes involving, indeed, religious interests and goals, but in a mix with colonial legacies, legacies of postcolonial interference during and after the Cold War, current political and economic interests of local and global actors, climate change and desertification, and so on.

Therefore, the focus of US foreign policy institutions, and, increasingly, of European foreign policy institutions as well, on religious freedom in terms of an apolitical advocacy of universal human rights is deeply problematic. Hurd argues that such advocacy may contribute to the hardening of boundaries between religious groups, the strengthening of patriarchal and anti-dissident voices within religious groups, the further establishment of power inequalities between minorities and majorities, processes of minoritization itself (especially in the chapter about the Alevis), and the obscuring of other dimensions to conflict—the impact of autocratic tyrannical state power in particular, with Syria as a tragic example. Hurd criticizes how the Middle Eastern wars are 'cast as intractable religious or sectarian problems rather than acknowledging their political and economic dimensions' (p. 105); an interpretation which is cynically fully in line with the interpretation that Bashar Assad has been trying to advocate over the years, and that he has stimulated through the active 'sectarisation' of conflict by his secret services.

Hurd traces a global range of problems with apolitical and ahistorical understanding of religion, from those concerning the Rohingya in Myanmar to the Sudanese Wars, from Nigeria to the Middle East, with a detailed focus on what the 'minority question' entails for the Alevis in Turkey, and what the category of religion is doing in that question (chapter five). She assiduously brings all these contexts together in a tight and consistent theoretical framework, sometimes having to leave the reader with a bit too little information about the local contexts, but compensating that with a very generous reading list, always giving references to the best and most recent literatures available. Bringing together what these literatures teach us about specific contexts worldwide enables Hurd to see the bigger picture, and to trace the historical and contemporary global lines in what the politics of religious freedom is, and what are its hugely ambivalent, even fully negative, results.

There are a few lines of inquiry that I would like Hurd to further develop. She takes a decidedly American perspective insofar as she concentrates her criticism on the freedom of *religion*, rather than on a broader category such as 'freedom of religion or belief' (FoRB). This category has been institutionalized in the 2013 'EU Guidelines on the Promotion and Protection of Religion or Belief', and it has as its aim to broaden the category of 'religion', to protect also those whose freedom of thought and expression is endangered because of their *non-belief or atheism*. The notion of FoRB betrays a strange irony. The concept of 'religion', which has been criticized for its Protestant bias and its focus on 'belief' instead of practice, has now been complemented

with 'belief', to cover especially *non-religious* 'deep' convictions. So here we have a doubling of belief, religious and non-religious. The idea is that this could give non-religious people, atheists, and individualists the depth and seriousness they need to have the same weight as the religious, but is not this also reinforcing the western focus on belief itself as the fundamental part of religion? How useful is this in an international context? In the European context, FoRB is more and more appealed to by those who want to protect the position of atheists and humanists especially in the non-West, but what good is there to be expected from this extension in light of Hurd's criticisms of the patriarchal, homogenizing and anti-dissident power in available in 'freedom of religion'? And would there be an alternative?

A second issue concerns the conclusions of Hurd's analysis, which sometimes seem to remain a little hidden behind the general insight that religion is simply too political and historical to be 'free'. When talking about Assad, Hurd reads the politics of sectarianism as pure power play, but what about the American, or Euro-American politics of religious freedom? Hurd sometimes seems to waver between interpreting its pretension of neutrality as the result of a naïveté which has a morally laudable, humanitarian origin, and sometimes as a way to establish power. To distinguish more sharply between the two, perhaps the profound ambivalence of the notion of freedom could have been highlighted more from a political theoretical perspective, next to and in connection to the elaborate reflection on 'religion' that Hurd undertakes from an anthropological perspective. Another question here is whether, to what extent and in which contexts Hurd sees religious freedom advocacy as an activity that actors *do know* is political, but that is *publicly presented* as 'religious', 'moral', and 'humanitarian'.

A third set of questions can be introduced by returning to the 'European Question' that the Halévy family (and so many others) already encountered in the nineteenth century. One of the ironies of freedom of religion is that freedom in many ways has been conceived originally as the opposite of religion, and of the supposedly 'non-European', heteronomous religions in the first place for which Judaism was historically the prime model. Autonomy and freedom, in the Kantian Enlightenment, were interpreted as freedom 'from' religion-generated heteronomy. Thus, freedom (of conscience and of speech) went hand in hand with hatred against the religions of heteronomy: Catholicism, and Judaism and Islam even more so.<sup>4</sup> Hence, the religious minorities that most needed protection in European history, were themselves seen as freedom's greatest threats. (This is again the case with Muslims in Europe today.) This leads me to the suggestion that protection will always come halfheartedly as long as the autonomy-heteronomy dichotomy has not been deconstructed. My question now is whether we can do this, as Hurd attempts to do (in the footsteps of many others in religious studies and anthropology), by correcting our understanding of non-Christian religions inherited from the European Enlightenment. Hurd contributes to this line of argument by introducing the concept of 'lived religion'. My suggestion is that we might need to more fully step outside the religion/secularity double. The picture of the problems that Hurd sketches leads me to the question whether we should seek the remedy for the problem of the politics of religious freedom in a better understanding of religion. Is the problem Hurd addresses a problem of *religion* and *religious freedom*, or is it a problem of all moralistic and human rights epistemologies, especially in combination with realist (Euro-American) foreign politics? Zooming out and looking at the bigger picture is what Hurd is doing, contextualizing the politics of religious freedom from different perspectives. My question is whether we should not even go further outside the secular-religious paradigm to criticize the drawbacks of the politics of religious freedom as efficiently and as systematically as possible?

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<sup>4</sup>See Michael Mack, *German Idealism and the Jew: The Inner Anti-Semitism of Philosophy and German Jewish Responses* (Chicago: University of Chicago Press, 2003).

A last point for discussion would be about the alternatives that Hurd briefly discusses. It sometimes seems Hurd is putting forward two systematically different kinds of criticism of religious freedom alongside each other. The one is summarized by the argument that religion never left politics and should always be read politically and historically. The other reading could be that *if* politics left religion alone after all, it could be read in terms of lived traditions, and be protected from getting fetishized in some kind of institutionalized politics. In the last reading, there seems to be something possibly ‘good’ about religion, when left alone by politics. My question is whether Hurd could elaborate more on this alternative? So, for example, Hurd asks ‘what would it look like to take seriously the need to dismantle the notion of majority/minority in religious terms? If the logic of religious rights diminishes the range of possibilities of Alevism while occluding alternative political goals, alliances, and allegiances, is there an alternative?’ (p. 107). The alternative she proposes would take more seriously Alevism as a lived tradition in relation to various orthodoxies; it would no longer rely on a Sunni-Alevi distinction, and rights would not be interpreted as being attached to the self as a (religious) subject (p. 107). Instead, *rights* would be understood as being attached to, in the words of philosopher William Connolly ‘that which is defined by the normalized subject as otherness (...); as failing to live up to the standards of subjectivity’; and *freedom*, Hurd argues in line with William James’ anarchistic vision, ‘would be located in the arc of critically negotiating norms imposed by the authorities’ (p. 108). I find this an attractive set of ideas but I would like to hear a bit of an expansion on them in the light of my former question, about whether Hurd sees any ‘free’ room for lived religion after all, at a distance from politics which could be dealt with on a different plane, or whether she thinks this is impossible as long as religion and religious freedom have to exist under the ordinary, worldly sign of religion under law.

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