Religious Violence in the Secular Nation State

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In this paper, I question the strict conceptual opposition between state and religious violence in secular nation states. While Juergensmeyer agrees that the discourse of religion is a peculiar modern invention, he situates religious violence in opposition to that of the secular nation state (Juergensmeyer 2008). In contrast, I will argue that the modern practices of religion-making themselves are effects of and conduits for the exercise of state power in the secular nation state. In other words, religion in the modern nation state is implicated in the violence institutionalized by the secular nation.

1. An Assumption Pertaining to Political Theory

Let me mention at the outset an important assumption pertaining to political theory: political justice in the liberal nation state, i.e., the demand that we treat fellow citizens as equals, involves a problem of scope: how do we delineate who counts as fellow citizen? This problem is not solved by simply pointing to the right paper-work or by claiming that everyone who has the right kind of passport is a fellow citizen. Rather, the legislations that regulate citizenship are notoriously connected to idealizations of the particular national character in question (Brandi 2007; Cott 2000). Moreover, cultural and class identity impacts whether and how residents of a given state can participate in its civic and political life (Schneider 2001; Forsythe 1989; Veer 1999; Das 2006).

The problem of scope points to two competing, yet interacting, strands in liberal political theory: the enlightenment ideal of civic equality on the one hand and the romantic

idealization of cultural homogeneity, which is expressed as national identity. This entanglement of ideas leads to a peculiar syllogism aimed at establishing the scope of civil equality: Because we are all citizens of the same state, we can expect legitimately equal treatment before the law; and, we are all citizens of the same state because we share the same cultural and national traits.

Jacques Derrida analyzes this tension as a founding aporia at the heart of liberal democracies in his *Politics of Friendship*: among all who are equally befriendeable I have to choose this one or these ones. Since friendship, according to Derrida, is based however on the idea of equality the choice itself is capricious. If all could be my friends, why do I choose these friends and not others? Derrida argues that talk of brotherhood masks the capricious quality implied in the necessary selectivity of friendship. The friends I have selected are my brothers. «Democracy [. . .] is rarely determined in the absence of confraternity or brotherhood'» (Derrida 1997, 13). And he states that «from Plato to Montaigne, Aristotle to Kant, Cicero to Hegel, the great philosophical and canonical discourses on friendship will have explicitly tied the friend-brother to virtue and justice, to moral reason and political reason» (Derrida 1997, 308). Yet, since this language of fraternization naturalizes the bond of friendship, such rhetoric undercuts the problem of choice and thus of responsibility. A familial relationship and imagination of shared bloodlines and origins justifies ex post my decision to befriend these ones and not other friendlies. Besides evading responsibility through naturalizing the bonds of friendship, the rhetoric of fraternization raises therefore the issue of exclusion and particularlity. As Alex Thomson writes in *Deconstruction and Democracy*,

«Democracy contains both a universal appeal – equality for all – and necessary limits which condition and govern that appeal. These mostly form around the question, again, of fraternization: of the naturalization of the decision which would limit democracy and equality to the members of one state, to one set of boundaries or one people, grounded in a spiritual or ideal identification which need not, but always potentially could, be expressed in a violent particularism or an ideology of nation, blood or soil» (Thomson,19).

In sum: historically and systematically the ideal of civic equality presupposes that citizens recognize each other as belonging to the same polis. References to a shared culture or identity aim to secure such mutual recognition and the particular scope of the citizenry.

2. De-naturalizing Religion and the Practice of Religion-Making

What we now call religious practices, ideals, and symbols play an important role for the creation of the particularities of a shared national culture. Importantly, however, these historically and locally existing practices, ideals, and symbols are themselves reconfigured in the creation of particular national identities. Partha Chatterjee, describes this dynamic well for the case of the emerging Indian national identity. He notes that before the explicitly political struggle for the establishment of a sovereign state, we find a movement to imagine a shared Indian cultural identity. «Anticolonial nationalism creates its own domain of sovereignty within colonial society well before it begins its political battle with the imperial power. It does this by dividing the world of social institutions into

two domains – the material and the spiritual» (Chatterjee 1993, 6). The supremacy of the British colonizers was acknowledged in the material domain encompassing the economy, the law, science, technology, and statecraft. Yet in the spiritual sphere of school, language, and family the essential markers of true Bengali identity were created. This was considered the space where the true superiority of Bengali culture became evident. A unified Bengali language, a sense of a shared history using European historiographic models, and a new organization of the role of men and women in the family emerges.

Two points from Chatterjee's discussion are particularly important for our topic. First, we see a change in how the history of Bengal is conceived, with a new focus on what was considered as the classical period of Indian and Hindu history. These new and particular Bengali histories repeat over and over again a story of a glorious Hindu past, the decline of India under Muslim rule, and the prospect of national cultural and political restoration. Contributing to this history were «all the prejudices of the European Enlightenment about Islam […like the] stereotypical figure of 'the Muslim' endowed with 'national character': fanatical, bigoted, warlike, dissolute, and cruel». In contrast, the nascent Indian nation was envisioned as fulfilling the promises of classical Hindu culture. A number of religious renewal movements, like the Brahmo reform movement, related well to this attention to what the new rising middle class perceived as classical Hinduism (Chatterjee 1993, 104, 145). And these reformers presented themselves as reviving the authentic truths of Indian religion, which had been lost in times of political and religious decay. In short, a religious revival movement engages in a specific retrieval of the past (under the

influence of European cultural forms and political oppression) and thereby shapes political identity.

Secondly, women were seen as the primary bearers of this classical Hindu spirituality, thus representing the virtues of the nation; the loss of these virtues was greatly feared. «Women […] must not lose their essentially spiritual (that is, feminine) virtues; they must not in other words become essentially Westernized». Thus, the separation of social roles demanded that women be different from men, particularly within the space of the family. Yet, it was also important that the new Bengali woman differentiated herself from both Western *and* «coarse, sexual, unrefined lower class women» (Chatterjee 1993, 126). Since the bearers of the new Bengali-Hindu national identity were members of the rising bourgeoisie, middle class women had to represent in dress, eating habits, and in social relations the superior Bengali culture. We find, perhaps unsurprisingly, that women were meant to adhere to typical middle class values of thrift, discipline, self-control, etc. – values that were clearly influenced by Victorian ideals of how to lead a proper life. Standing in for the ideal India however also demanded that the women submitted themselves to a *religious idealization*. Glossing over the real power differences between men and women, we find an ideology that demands

«the adulation of women as goddess or as mother. Whatever its source in the classical religions of India or in medieval religious practices, the specific ideological form in which we know the "Indian woman" construct in the modern literature and arts in India today is wholly and undeniably a product of the development of a dominant middle-class culture coeval with the era of nationalism. It served with all the force of mythological inspiration what had in any case become a dominant characteristic of femininity in the new construct of 'woman' standing as a sign for 'nation,' namely the spiritual qualities of self-sacrifice, benevolence, devotion, religiosity, and so on. … In fact, the image of woman as goddess or mother, served to erase her sexuality in the world outside the home» (Chatterjee 1993,, 131).

These constructs of the Indian woman show the contradictory movement of drawing on traditional sources to shape new and interrelated sexual, religious, and political identities. Indeed Karl Marx seems to have been correct when he wrote, «just when people seem engaged in revolutionizing themselves and things [sich und die Dinge umzuwälzen], in creating something entirely new … they anxiously conjure up the spirits of the past to their service and borrow from them names, battle slogans and costumes in order to present the new scene of world history in this time-honored disguise and borrowed language» (Marx 1987, 16). Yet, the symbols, rites, and language from the past are not simply religious costumes to dress up political innovations. Rather, we are seeing in cases like the ones that Chatterjee describes moments of «colonial self-articulation», as we can learn from Tomoko Masuzawa's analysis of the emergence of the idea of world religions (Masuzawa 2005, 218). Here colonial categories and institutions are adapted

and shaped such that they can be used first for resistance against the colonizing regime and second for the building of post-colonial nations.

For example, geographically diverse practices that each traces their lineage back to the Shakyamuni Buddha are now correlated and reorganized as the religion of Buddhism (Lopez 1995). Robert Sharf's «The Zen of Japanese Nationalism» presents a vivid example for how this reorganization of historical artifacts into the globally recognizable category of Buddhist religion works. Sharf describes how, influenced by Meji nationalism and its ideology of *kokutai* (national polity) as well as by Enlightenment rationalism and German Romanticism, Japanese lay Zen leaders created New Buddhism (*Shin Bukkyo*) (Sharf 1995, 107-160, 110).New Buddhism was supposed to represent the allegedly true, anti-ritualistic Buddhism, purified from all superstitions and fully in line with modern science. New Buddhism emphasizes not only the inner experience of meditative practices, it likewise was a response to Meji politics of rendering «Japan a culturally homogeneous and spiritually evolved nation politically unified under the divine rule of the emperor» (Sharf 1995, 110). This nationalist Japanese Buddhism is the source of the Zen Buddhism exported to the West by Shaku Soen (who spoke at the Parliament of World Religions in Chicago in 1893 portraying Buddhism as an universal religion) and by D.T. Suzuki who was the »single most important figure in the spread of Zen in the West» (Sharf 1995, 116).

Most intriguing is the later interaction between Suzuki (the Japanese visitor to the US) and Paul Carus (the German immigrant in Illinois). Carus edited a collection of Buddhist

canonical texts called *The Gospel of the Buddha* celebrating a humanitarian, positivist image of the Buddha propagating a religion of science. Suzuki translates this *Gospel* into Japanese and came into contact with Carus and joined him in Illinois. Through this collaboration the identity of modern Buddhism gains further shape both for Japan and for the West.

The works of Hans Bechert, who coined the term modern Buddhism and of Stanley Tambiah, who analyzed nationalist Buddhism in Sri Lanka, demonstrate that the creation of the new Buddhism is not limited to the Japanese case. Bechert points out how, as modern religion, such Buddhism emphasizes individual experience in meditation over ritual practices; that Buddhist religion is conceived of as being in line with modern science and as representing an ethical practice founded by a historical figure; and that Buddhism is based on a distinct set of canonical texts. In *Buddhism Betrayed?*, Stanley Tambiah traces Sri Lanka's present-day ethnic-political conflicts back to the Buddhist revival movements that re-imagined both Buddhism and Sri Lankan politics. This political and religious revival was mostly carried by an emerging middle class interested in creating a Sri Lankan national identity against the British colonial oppressors. An exceedingly influential figure in this movement was the charismatic Buddhist leader Anagarika Dharmapala (1864-1933).

The major features of Dharmapala's Buddhist revivalism are a selective retrieval of norms from canonical Buddhism; a denigration of alleged non-Buddhist ritual practices and magical manipulations (an attitude probably influenced by Christian missionary denunciations of heathen beliefs and practices); enunciation of a code for lay conduct, suited for the emergent Sinhalese urban middle-class and business interests, which emphasized a puritanical sexual morality and etiquette in family life; and, most important of all, an appeal to the past glories of Buddhism and Sinhalese civilization celebrated in the Mahavamsa and other chronicles as a way of infusing the Sinhalese with a new nationalist identity and self-respect in the face of humiliation and restrictions suffered under British rule and Christian missionary influence. (Tambiah 1992, 7).

Dharmapala aimed to give Buddhism a new vitality in the face of changing political and economic realities. This meant not only rejecting practices that previously were considered unproblematic (like the use of magic or of certain rituals) but also grounding the renewal in alternative readings of the Buddhist canon and other formative texts. Not surprisingly we find in this Buddhist revival a new construction of an ideal Sri Lankan past as harboring the authentic Buddhist way of life. This was an immensely important concept in both anti-colonial and national rhetoric. References to the Buddhist way of life were used to critique the moral lapses of the British colonial powers and the English-educated Sinhalese elites on the one hand. On the other, it represented «a positive effort to sketch a mode of life that claims to draw on timeless values enshrined in early Buddhism, but which also

incorporates traditional features associated with precolonial [sic!] rural Sinhala life»

(Tambiah 1992, 118). Despite this idealization of the village, an urban-based, educated, and

young population of Buddhist monks carried the renewal process against the previously

powerful religious elites. In sum: we see in this case a complex field of political, religious,

cultural, and economic forces that shape what counts as authentically Buddhist as well as

Sri Lankan (Tambiah 1992, 20).

From this quick glimpse, we can see that modern Buddhism is built around the template of

a particular kind of middle-class English protestant Christianity, which presents itself as

decidedly civilized and modernized. Such religion, which is conceived of as being in line

with modernity, is compatible with sciences and history, leads to the ethical perfection of

the individual, is text-based, decidedly anti-ritualistic, and prizes inner experience.

Importantly, however, as we have seen, historically existing local symbols, practices, and

texts contribute to this reconfiguration of colonial categories. As the scholar of Sri Lankan

Buddhism Charles Hallisey cautions, it is not quite the case that these colonial religious

innovations are without grounding in the tradition. The new reading practices, for example,

that lie at the heart of the late 19th century anti-colonial revival in Sri Lankan Buddhism are

influenced by European models but are likewise connected to previous monastic practices

(Hallisey 1995). Thus, the scripturalism that characterizes this political and Buddhist

revival can be seen as being rooted in historical precedent *and* as resulting from religious

innovation.

We see from this discussion that modern religious practices are globally produced by various actors along the colonial gradients of power. At the same time, modern religion serves as the cultural marker defining the particular nation – in India, as Chaterjee's example showed, as well as in Sri-Lankan, according to Tambiah, and in Japan, according to Sharf. Said in more general terms, modern religion interiorizes and territorializes. Religion is both a matter of inner personal experience and one of cultural and nation identity. In fact, modern religious identities are conceive not unlike nations, with definable characteristics, linked to territories, and thus clear boundaries. The practices of modern religion-making therefore have both a homogenizing and universalizing tendency. As Donald Lopez's studies of the formations of modern Tibetan Buddhism show: in order to present Tibetan Buddhism as a globally recognizable religion, the Tibetan leadership has to downplay internal linguistic and devotional variations, de-emphasize the use of rituals, and bind Tibetan Buddhism both to a specific *national* locale and make it into an universal religion capable of harboring truth for all mankind (Lopez 1998).

In sum: the practices of religion making that we can study in the modern period are linked to the establishment of colonial regimes and to their post-colonial successors. Secondly, these practices are globally interconnected; thirdly, the practices of religion-making cross the insider/outsider divide in that they involve both religious practitioners and academics (practitioners of religion as theoretical and of religion as practical practice). And finally, religion is produced through two processes: First through a discourse of individualized, internal, and private experience or through a discourse of culture (religion as system) (Cf. also Viefhues-Bailey 2009).

2. De-naturalizing Secularism – Practices of Secular-Making

2.1. What Constitutes a Secular State?

Far from providing a stable counterpart to the secular, the practices of religion-making, to which we as academics and as religionists contribute, are related to the emergence of the modern nation state. Thus, it makes more sense to see both secularism and religion as two effects of the same political processes. Secularism or secularization however are themselves notoriously difficult and ambivalent notions. The facility with which we speak of the secular state glosses over two difficulties: First, the theoretical difficulties of ascertaining what constitutes the secular (Taylor 2007) and secondly, the practical uncertainty of whether or not a given state is, in fact, a secular state.

The theoretical difficulties have been discussed from the side of philosophy (Vries and Sullivan 2006; Vattimo 1999), theology (Milbank 2006; Ward 2006) and sociology (Eisenstadt 2004). Philosophically speaking the concept of the secular seems to reflect particular ontological commitments, which are deeply rooted in the history of Christianity. Thus, Jean Luc Nancy claims, for example, that any deconstruction of the secular West inevitably must lead to the deconstruction of Christianity (Nancy 2007). Whereas phenomenologists like Nancy want to overcome the problems of modernity by overcoming Christianity, John Milbank and other thinkers of the theological school of modern orthodoxy on the other hand argue that the errors of modernity result from a wrong kind of theology. Christianity gone awry gave us the modern secular state and only a renewal of orthodox Christian theological critique can solve the conundrums of western modernity. Even the discipline of sociology that gave us the Weberian dogma

equating modernization with secularization finds it more and more difficult to formulate a coherent and operationalizable notion of the secular.

The practical difficulties arise when we ask, which state should count as a secular state. The sociologist Ahmet T. Kuru for example differentiates between the following four categories: (1) Religious States, e.g, the Vatican and Iran; (2) States with Established Religion, like Denmark or Great Britain, which officially favor one religion; (3) secular states, like Turkey, France, and the US, which officially favor no specific religion, and (4) anti-religious states, such as China or North Korea. Noteworthy, is how Kuru defines the dividing line between religious and non-religious states. While legislative and judicial actions are «religion based» in religious states, they are non-religious in secular states (Kuru 2007, 570).

Kuru's distinction goes to the heart of the self-understanding of the secular nation, as is apparent when we consider recent philosophical debates about the role of religious presentations in the public sphere of a secular nation state(Habermas 2005; Rorty 1997; Audi and Wolterstorff 1997). Acts of state power in the secular state cannot be legitimized with reference to specific religious texts, symbols, or practices – or so the story of secularism goes. After all, the separation of church and state institutions is a hall-mark of modernization, according to Pippa Norris and Roger Ingelhard, who write for example that: «[t]he division of church and state, and the rise of secular-rational bureaucratic states displaced the rule of spiritual leaders, ecclesiastical institutions, and hereditary rulers claiming authority from God» (Norris and Inglehart 2004, 8).

Modernization theory assumes that with growing levels of modernization (measured according to gross-domestic product per capita, literacy rate, and life expectancy), religion, which is understood as pre-modern phenomenon will decay. Yet, this is not the case. As Kuru writes «countries with high development have a much higher percentage (57 percent) of having official religions than do countries with low development (20 percent). This result is the opposite of what modernization theory would predict».

Before we proceed, let me point out however a salient but overlooked difference between Kuru's account of the secular state on the one hand and Norris and Pippa's on the other. Kuru's claims that secular states legislate and adjudicate without recourse to religion; Norris and Pippa's argue that in modern bureaucratic regimes governmental actions are no longer legitimated by «ecclesiastical institutions, and hereditary rulers claiming authority from God» (loc. cit.). Presumably, in Kuru's taxonomy a government in line with Norris and Pippa's definition of modern governance would qualify as secular. For example, Kuru qualifies the Vatican as a religious state, since here we are dealing with an elected ruler claiming his authority to come from God. How do we, however, classify the cases that Chatterjee or Tambiah analyzed? Here legitimate political authority is situated in the people conceived as forming the Indian or Sri-Lankan nation. The particular identity of each nation however is produced with recurs to historically extant texts, symbols, and practices that are reorganized by the practices of modern religion-making. Furthermore, the rejection of claims to political and cultural power by the traditional ecclesial elites – to stretch Norris and Pippa's Christian based terminology –is part of the

modernization of these post-colonial states. Thus, a decidedly modern Buddhism or Hinduism creates the new middle-class citizenry who is the center of political action and legitimacy. For example, a pre-colonial regime, in which royal Sri-Lankan power legitimated itself with recourse to the king's dialectal relationship of being both protector and patron of the Sri-Lankan Theravadin sangha, were replaced with a new post-colonial politico-religious regime. Part of this new arrangement is the creation of modern Buddhism as a religion. In sum: where a royal politico-Theravadin regime was, political Buddhism as modern religion appeared.

If we consequently consider that religion is a modern phenomenon then the ubiquity of religious presentations in secular nation states makes sense. Moreover, given that modern religion is a reorganization of historically extant elements, we can expect a separation between the institutions of the state and those of, for example, traditional theological or theravadin authority. With the emergence of state institutions that are independent of those of a particular cultus (to use a pre-modern Western terminology), we will find likewise the rise of practices of religion making. In conclusion, Norris and Pippa's more restrictive definition of secular states allows for the conceptual space to analyze secular state power as being legitimized with recourse to the practices of modern religion-making.

2.2. Sexual Citizenship and Religion

Sexual Citizenship provides a focus where we can clearly see how modern religion legitimizes state action, both legislative and judicial, not only in post-colonial states but also in secular north-Atlantic states. Indeed, contrary to Kuru's thesis, modern religion is

implicated in both the current legislative and judicative processes in the US and in Germany. As an example for the legislative process, I want to first point to the debates about same-sex marriage in the United States. A second example, from Germany, will highlight the role of religion in the judicative process. Here we will analyze a legal battle over the following question: does the German state of Bavaria discriminate against Muslim public school teachers when it disbars them from wearing a veil when on duty, if the state allows Roman Catholic nuns to do so.

2.1.1. Contestations over Same-Sex Marriage

In the US American case, a strong alliance of churches and political movement conservatives has archived to convince a majority of Americans that marriage is a sacred bond between one man and one woman. Religious arguments suffuse the debate on all levels, and unabashedly so. Not only members of conservative Christian organizations but also elected officials talk about the sacred bond of marriage and its alleged Judeo-Christian foundation. In my reading of the debate, Americans understand that marriage is indeed an institution of dual parentage: Religious values and symbols of a particular kind are intertwined with those expressing national interests (Viefhues-Bailey 2009).

The eminently influential conservative Christian media, counseling, and advice organization Focus on the Family, for example, argues that same-sex marriage not only is anathema to the ideals of Christian marriage but is also deeply threatening to the health of the nation. Consider the following excerpt of a newsletter in which James Dobson, the founder and chairman emeritus of Focus, calls on his followers to object to gay marriage:

> Can you imagine the chaos that would occur if the
>
> institution of marriage finally collapses or becomes
>
> ineffectual in various nations of the world? […] The family
>
> is the greatest vehicle ever invented for the care, nurturance
>
> and spiritual development of children. […] Furthermore,
>
> history confirms that the stability of society itself crumbles.
>
> Cultures that have allowed their families to disintegrate
>
> have quickly deteriorated or passed from the world scene
>
> (Dobson 2000).

Homosexual marriage threatens the «traditional family as designed by God at the dawn of human existence», writes Dobson in the same newsletter, displaying a clear intersection of three rhetorical threads: The value of the family, the divine order of the sexes and the stability of nation and society. The Christian Americans for whom Focus speaks fear nothing short of the dissolution of the state. Anti-social and dangerous behaviors will become socially acceptable and the bonds that hold society together will unravel.

These fears are echoed in the congressional debates about the so-called Defense of Marriage act from 1996. The aim of the bill was allegedly to safeguard «our Nation's traditional understanding of marriage [as] the union of one man and one woman in the holy estate of matrimony». In the Senate, Robert Byrd supported the act with a wide-ranging speech about marriage in the so-called Judeo-Christian tradition, during which he quoted from his family bible:

I hold in my hands a Bible, the Bible that was in my home when I was a child. This is the Bible that was read to me by my foster father. It is a Bible, the cover of which having been torn and worn, has been replaced. But this is the Bible, the King James Bible. And here is what it says in the first chapter of Genesis, 27th and 28th verses: 'So God created man in his own image, in the image of God created he him; male and female created he them'» (Congress 1996b).

A day earlier Senator Jesse Helms had declared that «homosexual extremists» attempted to attack the «nation's moral stamina» with the push for gay marriage concluding that «at the heart of this debate is the moral and spiritual survival of this Nation» (Congress 1996a).

The idea that marriage is the institution that shapes the nation has long precedence in the US American context, as Nancy Cott points out in her magisterial study of American debates about marriage(Cott 2000). Marriage is consistently presented as the nucleus and emblem of American society. In these debates, the US debates the boundaries of the body politic. And at each step of the way, reference is made to the religious grounding of this Ur-American institution.

Analytically, we see in the political conflicts over what constitutes the right American marriage processes at work in which the nation imagines itself as community. The nation state requires an imaginary homogeneity and unity (Anderson 1983). State power in its legitimization and exercise is responsible not only to the individual citizen, but moreover to the citizen as part of the nation. Constitutional government and the protections of due

process – the bureaucratization of state power – are only one part of the work to be accomplished by the state. The second part is the state's care for the nation. Any governmental act derives its legitimacy not only from procedural strictures but, and perhaps more importantly, from the fact that it is exercised in the name of a people, i.e., the nation.

Claiming the right to choose romantically whom one desires to bond in marriage is only one side of the US marriage ideal. By emphasizing primarily the individual freedom to enter into the marriage contract, advocates for gay marriage overlook the biopolitical dimension of the marital bond. And here, the project of gay marriage runs into a very well organized resistance of those Americans who see (and with historical precedence in their favor) America as a (protestant and Puritan) Christian nation.

The legislative actions taken during the recent conflagrations about same-sex marriage, as well as the debates around them, position the advocates of such marriage *as forces that take the privatization of sex and religion too far*. Therefore the images of two women or two men exchanging matrimonial vows represent the threat of taking away the religious bonds of affection that hold the nation together, and thereby weakening it. Lest we think that this religious grounding of the nation is evidence of the specter of American exceptionalism, if it comes to secularism, let me now turn to a recent verdict by the Bavarian Supreme Court.

2.2.2. The Bavarian Supreme Court: Religion and the Judicial Branch

In 2007 the highest court in the German state of Bavaria had to adjudicate the following question: Does it constitute an undue discrimination of Muslim public school teachers that the Bavarian state disbars them but not Roman Catholic nuns from wearing an item of religious garb, namely a head-scarf, while on duty? The court ruled first that the scarf was indeed a religious symbol, one representing a particular kind of political Islam. It furthermore ruled that the Bavarian state was within its right to disallow Muslim teachers from wearing a headscarf all the while allowing Roman Catholic nuns to teach in their religious habits.

The court reasoned that the message implied in the Roman Catholic garb was in line with the Christian Humanist foundations of the Bavarian state and that the state had an obligation to protect these foundations. While the government could not give preferential treatment to specific Christian denominations, the state nevertheless had a legitimate interest in incorporating into public school education the Christian «religious form of life and tradition of the Bavarian people». The court hastens to define the term Christian in this context as follows: Christian does not refer to the content of beliefs held by «individual Christian denominations but to the values and norms, which, formed primarily by Christianity, became the shared cultural basis of occidental culture [Hierunter sind nicht die Glaubensinhalte einzelner christlicher Bekenntnisse zu verstehen, sondern die Werte und Normen, die, vom Christentum maßgeblich geprägt, auch weitgehend zum Gemeingut des abendländischen Kulturkreises geworden sind»] (Verfassungsgerichtshof 2007).

Thus the court makes the following distinction between the beliefs of a specific denomination, on the one hand, and the occidental Christian cultural tradition, on the other. This means that the property of "sharing the occidental Christian cultural tradition" seems independent from the property of "holding specific Christian beliefs." Thus we could conceive of a religious group that shares the cultural Christian foundation of the Bavarian state without being a Christian denomination itself. According to the logic of the Bavarian Supreme court, the wearing of religious garb of certain Jewish religious groups, for example, could be considered to be permissible public school system, if these items of clothing pass the following test: They express attitudes that are in line with the Christian occidental tradition that founds Bavarian values and norms. At the same time, we could imagine a religious group that, while denominationally Christian, is not to be considered part of the occidental Christian culture upon which the Bavarian state is based. The erstwhile national-socialist group of the German Christians comes to mind, for example.

Needless to say, the question arises of who decides what constitutes the scope of the Christian-occidental tradition upon which the Bavarian state is based? For example, a religious group that insists on unequal treatment of women and men in the labor force could quote the sociologist Wilhelm Heinrich Riehl who was favored by the Bavarian King Maximilian II. Riehl wrote that «because God created man and woman, He inscribed inequality and dependence as a foundation of all human evolution [Indem aber Gott der Herr Mann und Weib schuf, hat er die Ungleichheit und die Abhängigkeit als eine Grundbedingung aller menschlichen Entwicklung gesetzt»] (Riehl 1892, 3).

Consequently, Riedel argues that any just human society has to be built upon hierarchy and inequality. Likewise, until 1975 it was permissible in France (certainly a country that is part of occidental Christian culture) that a husband could beat his wife if she was not sufficiently «subordinate» (Asad 2006, 502). Thus, it is very unclear what is to count as the singular occidental Christian cultural tradition, if it comes, for example, to the question of gender equality.

In sum, we should ask who has the competence to delineate the scope of this alleged consensus of values and norms of the occidental Christian culture. Since denominational adherence is not the defining character of what constitutes the kind of Christianity in question, it seems clear that this power does not simply lie with the various Christian denominations and their institutions. Rather, this examples shows a peculiar conception of religion, one where religion is both supposedly private and public. Certain religious symbols have to be kept private others however are part of the fabric of the state. The justices made clear that the state has a responsibility not only to following the strictures of due process and equal protection but moreover to preserve the cultural foundation of the nation. *The problem that the veiled teacher poses is therefore not one of too much privatization of religion, as in the case of the same-sex couple in the US, but rather one of too little privatization*. Importantly, however, not all religions need to be privatized in the same manner. A religious symbol representing the values of the alleged Christian humanist tradition upon which is founded the Bavarian State need not be fully privatized. Hence, Roman Catholic nuns are allowed to veil in the classroom. Moreover, a symbol is acceptable for public consumption if it is deemed to represent a value system in line with

said Christian humanist tradition, like a Yarmulke, as we may presume, or a veil that does not represent so-called Islamism. In all of this we see something like cultural Christianity – or *Kulturreligion* – delocalized from its original places of practice and abstracted for the adjudication of the court system. Based on who counts as the biopolitical outsider du-jour, the state and society delineate the scope of state-supportive religion.

These two examples show the following characteristic that differentiates the self-declared secular nation state from the religious states in Kuru's taxonomy: Specific localized theological practices (Theravadin, Islamic, or Roman Catholic) legitimize state power in what Kuru considers examples of religious states. In contrast, in secular states the modern practice of religion making is implicated in the legitimization of state power. Importantly, both cases intertwine religion as something cultural that establishes the homogeneous character of the nation and religion as something private that is not fit for the public sphere where we are supposed to meet as equal citizens.

3. A Taxonomy of Religious Violence

What do these considerations mean for the question of religious violence, with which we began this essay? Instead of positioning religion in opposition to the secular state, we have seen that in the nation state-power is legitimized with references to religion. In particular, religion is implicated in the institutional violence of the nation state via the creation of the contours of an imagined national identity that all citizens allegedly share.

Tambiah's analysis of the Sri-Lankan conflict shows that this state-founding violence can turn into a full-fledged armed conflict. The German and the US example showed how the task of defining the scope and character of the nation is never quite complete. In fact, as we can learn from these cases, the secular nation state uses religion to regulate the conditions under which its citizens or residents can participate fully in the polis. Thus, religion is part of regulating the flows of power within the nation, as well.

This imbrication of religion and secular state power can lead to a heuristic taxonomy of religious violence in modern secular states: First, we can identify nation-founding and – forming religious violence by state actors with the strategic goal of delineating the scope and character of the nation. Such violence can be either enacted overtly by military or paramilitary means (as in the Sri-Lankan case) or it can be implicit and exercised through legislative or judicative actions (as in the German and US case). Secondly, we can distinguish nation-founding and –forming religious violence by non-state actors with the strategic goal of delineating the scope and character of a given nation (as in the case of Tamil Hindu violence in rejection of Sri-Lankan Buddhist nationalism).

These two types of religious violence are strategic in the sense that they relate to the attaining of a clear political goal: the forming of a specific nation state. In contrast, the third category identifies religious violence by non-state actors in defiance of state-founding or –forming religious violence without the strategic goal of political inclusion into the nation. Here we see non-state actors who are socio-economically, culturally, or legally disenfranchised from full participation in the state. Partha Chatterjee names this

group of people "the governed." They live within the geographical and governmental scope of a given nation state; yet the governed are outside the scope of the citizenry, either because they do not hold the right citizenship or because they are identified as belonging to a group that is not really part of the nation. We can think of US citizens of African-American or Hispanic descent at various times of US history or of disenfranchised parts of the population of Turkish migrants in Germany whose members may or may not hold citizenship. The governed can use the formations of modern religion in violent and theatrical acts of protests against the dominant religious-national regime. Since religion is used to disenfranchise them, it is to be expected that the governed employ religion against the state, as well. However because the governed are positioned outside the scope of citizenship without the hope of inclusion in it, their enactment of religious resistance against the state is not-strategic but at most tactic. It makes the point of performing the fact of exclusion without leading to a strategy for inclusion. Following Partha Chatterjee's work on the politics of the governed we can assume that those practices will be theatrical, disrupting the claims of religio-political normalcy, and, at the same time deeply formed by them.

The operative notion in this taxonomy is religion as it is produced by the new organization of historically extant texts, practices, symbols, and institutions into new composite reality. We have seen that as such modern religion was part of the legitimization of modern national regimes, whether they are self-declared secular states or not. Thus, modern religious violence is not a phenomenon that appears in contrast to the political organizations of the secular state.

Anderson, Benedict. 1983. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso.

Asad, Talal. 2006. Trying to Understand French Secularism. In *Political Theologies: Public Religions in a Post-Secular World*, edited by H. d. Vries and L. E. Sullivan. New York: Fordham University Press.

Brandi, Silvia. 2007. Unveiling the Ideological Construction of the 2004 Irish Citizenship Referendum: A Critical Discourse Analytical Approach. *Translocations* 2 (Summer) (1):26-47.

Congress, United States. 1996a. CONGRESSIONAL RECORD—SENATE.

Cott, Nancy F. 2000. *Public vows: a history of marriage and the nation*. Cambridge, Mass.: Harvard University Press.

Das, Veena. 2006. The Figure of the Abducted Woman. The Citizen as Sexed. In *Political theologies: public religions in a post-secular world*, edited by H. d. Vries and L. E. Sullivan. New York: Fordham University Press.

Derrida, Jacques. 1997. *Politics of friendship*. London; New York: Verso.

Forsythe, Diana. 1989. German Identity and the Problem of History. In *History and ethnicity*, edited by E. Tonkin, M. Chapman and M. McDonald. London; New York: Routledge.

Juergensmeyer, Mark. 2008. *Global rebellion: religious challenges to the secular state, from Christian militias to al Qaeda*. Berkeley: University of California Press.

Lopez, Donald S. 1995. *Curators of the Buddha: the study of Buddhism under colonialism*. Chicago, Ill.: University of Chicago Press.

Riehl, Wilhelm Heinrich. 1892. *Die Naturgeschichte des Volkes als Grundlage einer Deutschen Sozial-politik*. Stuttgart: Cotta. microform.

Schneider, Jens. 2001. *Deutsch sein: das Eigene, das Fremde und die Vergangenheit im Selbstbild des vereinten Deutschland*. Frankfurt/Main; New York: Campus.

Veer, Peter van der. 1999. The Moral State: Religion, Nation, and Empire in Victorian Britain and British India. In *Nation and religion: perspectives on Europe and Asia*, edited by P. v. d. Veer and H. Lehmann. Princeton, N.J.: Princeton University Press.

Verfassungsgerichtshof, Bayerischer. 2007. Entscheidung des Bayerischen Verfassungsgerichtshofs vom 15. Januar 2007 über die Popularklage der Islamischen Religionsgemeinschaft e. V. in B. auf Feststellung der Verfassungswidrigkeit des Art. 59 Abs. 2 Satz 3 des Bayerischen Gesetzes über das Erziehungs- und Unterrichtswesen (BayEUG) in der Fassung der Bekanntmachung vom 31. Mai 2000 (GVBl S. 414, BayRS 2230-1-1-UK), zuletzt geändert durch Gesetz vom 26. Juli 2006 (GVBl S. 397).

Viefhues-Bailey, L. 2009 (forthcoming). The Conceptions of Religion in Analytic Philosophy of Religion. In *Theory/ Religion/ Critique*, edited by R. King. New York: Columbia University Press.

Viefhues-Bailey, Ludger. 2009. *Between a Man and a Woman: Making Sense of Conservative Christian Opposition to Same-Sex Love*. New York.