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LIBERAL DEMOCRACIES AND THE PRODUCTION OF RELIGIOUS TRUTH: SOME COMMENTS ON VEIT BADER'S *SECULARISM OR DEMOCRACY? ASSOCIATIONAL GOVERNANCE OF RELIGIOUS DIVERSITY*

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Secularism or Democracy presents a densely documented and nuanced argument for the accommodation of religious diversity. The book has a distinct practical import: it offers compelling arguments for the allocation of public funds and political privileges to religious organisations and representatives at a time when state support for religion has been put under some pressure in several Western-European polities. Theoretically, it adds several innovative and stimulating contributions to recent debates on the relationship between religion and politics in political theory. Most importantly, in my view, are the proposals that political theory ought to relinquish secularist terminology in favour of a democratic turn, and the supplementation of normative analysis with a more empirically informed 'governance' approach. In what follows I concentrate on these two contributions and I round up with a few remarks on Bader's approach to political theory.

The increased attention on religion in recent political and social theory has been accompanied by several pertinent criticisms of *secularism*: the attempt to separate religion and politics in order to ensure a peaceful and stable co-existence of a plurality of beliefs and practices. A number of authors have rejected the dominant tendency to analyse secularism in terms of a few abstract principles (freedom of conscience, equal treatment) and have raised the question of what secularism *does*. How is secularism embedded or constituted in national traditions? How have cultural assumptions regarding the place of religion in society influenced institutional arrangements concerning the separation of church and state? These questions have led to several studies that highlight the differences between French, American and Dutch ways to separate church and state and have contributed to a pluralization of the concept of secularism. Poststructuralist authors have pursued the criticism of secularism in a somewhat different vein and have asked how secularism functions as a disciplinary project, how it excludes some ways of life, habits and sensibilities while naturalizing others. This line of approach has also brought into view how secularist states have been involved and continue to participate in the construction of religious knowledge, beliefs and practices – or, what we might call, the partnership between the state and the production of religious truth. In political theory, the reconceptualization of secularism in terms of a plurality of ethico-political and – in some circles more explicit than in others – *power-laden* projects, has problematized the impartial pretensions of secular principles or procedures. Political theorists are now increasingly trying to develop more modest varieties of secularism, looking for standards that do not collapse into overly rationalist or scientific worldviews.

Bader adds a new and radical proposal to the politicization of secular enactments. Political theory should not only pluralize, contextualize and historicize secularism and modify its normative ambitions, but it is better off 'dropping' secularist vocabularies altogether. Secularist terminology has – especially in the Western European context – be-

come too compromised and overburdened by cultural assimilation, totalitarianism and scientism. Since these threats to liberal democracy are deeply entangled with political ambitions to separate religion from politics, it is difficult to invoke secularist meta-narratives – including more moderate versions – to criticize them. Clearly, Bader’s criticisms of secularism should not be taken as a complete rejection of secularism: a differentiation between state power and spiritual or religious authority remains a core feature of his conception of liberal-democracy.¹ Moreover, a central concern in this book is the attempt to carve out and protect a domain of religious freedom or action vis-à-vis political projects that want to intervene in core issues of faith. This might be a reversal of strong secularist projects that expand political authority at the cost of religious autonomy but it is obviously not a complete escape from the difficult and value-laden task of having to demarcate and separate distinct religious and political domains. So, then, precisely what is at stake in the attempt to decentre secularism in political thought? The central thrust of Bader’s proposal seems to be to discourage a narrow-minded focus on religion. Framing political dilemmas in explicit secularist terms blinds us to secular fanaticisms – such as the aforementioned cultural assimilation and scientism – and makes religious fundamentalism appear as the only or primary danger to democratic life. Furthermore, it leads to an unproductive line of questioning and criticism: rather than asking whether institutions, practices, arguments and citizens have completely liberated themselves from religious belief and practices, political theory ought to stimulate a discussion on ‘the respective substantive content of options’ at issue and assess to what extent they are in line with liberal-democratic norms.

Although Bader somewhat exaggerates his radical departure from secularism, I think that his attempt to insert issues concerning religion and politics back into a wider democratic framework is a timely and much needed intervention. Secular-religious dichotomies indeed often enough have the unintended effect of ‘exoticizing’ religion, be

it as an intrinsic evil or good, and they have not been very helpful in stimulating a debate about the varieties of religious practices and beliefs and their relationships to democratic practices. However, I have some doubts whether secularist terminologies primarily produce a mobilization *against* religion. Religious conservatives who represent religion as the primary carrier of moral virtues have likely benefited from distinctions that attribute religion with an exceptional status. Moreover, criticisms of secularism are not only a perilous undertaking in countries with a strong conservative religious majority such as the United States, as Bader suggests. Intellectuals who wish to restore, or perhaps maintain, Christianity as the flagship of Western-European polities as a counterweight to cultural decline are a forceful voice in the choir that blames secularism for the evils of modernity.² The precariousness of criticizing secularism should not stop us from decentring overly secularist terminologies. Yet it does place strong demands on the democratic framework that wants to stimulate a discussion on all the alternative ways to regulate and separate religion and politics. Bader offers important suggestions to improve some of the blind spots in Anglo-Saxon liberalism that have hampered well-informed discussions on substantive options. Yet notwithstanding his criticism of secularist liberals who try to expel religious truth claims from political debate, his framework is still animated by the political-liberal injunction to take ‘the truths of religion off the political agenda.’ (Rawls, 1993, 1996, p. 150).

Rethinking secular liberal conceptions of the state

Bader presents a powerful criticism of the principle of strict state neutrality that has been defended by Rawls, and strict secularist and libertarian American political theorists.

First, Bader convincingly takes issue with the argument that a framework of individual rights will suffice for the equal treatment of religious citizens. This classical liberal or libertarian argument does not take into account how the ‘free market of religious customs and doctrines’ has historically been hampered by the structural legal, administrative and cultural advantages of majority religions. Second, Bader points out how avoiding differences and neglecting the effects of state action blinds us to existing power relations, tends to reproduce ‘mythical histories’ and leads to ‘deceiving actual descriptions.’ Instead of strict neutrality Bader proposes a more embedded notion of neutrality, or what has become known as ‘justice as even-handedness’. Essentially, this concept departs from a positive conception of religious freedom that, for instance, legitimates state support for religious organisations, and opens up a space for the state to compensate inequalities on the religious supermarket (such as affirmative action on behalf of religious minorities). It also foregrounds Bader’s own model of associative democracy: a type of governance that allows a widespread allocation of public funds to faith-based organisations (FBO’s) that want to provide education and healthcare.

FBO’s are not only eligible for public support but are also granted important exemptions on non-discrimination laws. When equal treatment of, say, gays or women, conflicts with core issues of faith, the balance is struck in favour of religious freedom. Bader gives an important argument for this right to ‘non-infringement.’ State interference in core issues of faith – theological disputes or issues concerning ‘definition-making and decision-making in matters of belief’ – violates the need for *intimacy*: the possibility to experience and practice religious faith with likeminded believers while keeping pressures of the outside world at bay. I share Bader’s intuition that religious practices need some protection against overly ambitious states and his arguments for a more embedded notion of state neutrality are quite convincing. Yet, of course, the question arises: intimacy for whom? How does associative democracy distribute religious intimacy? Which

believers can enjoy the benefits of non-infringement or this way of constructing the religious domain?

Bader admits that the project of associative democracy contains a bias against new or smaller religious groups. Relatively well-established religious groups and organisations have structural advantages in the competition for public funds, and thanks to the financial and political privileges they obtain they can further consolidate their position of power. Bader’s discussion of the exclusionary tendencies of associative democracy puts a lot of weight on institutional remedies to counter such biases, for example, shorter waiting periods for new groups that want to establish FBO’s and stakeholder meetings where ‘minorities in minorities’ can ventilate their concerns. I wonder however whether his analytical framework is rich enough to render these exclusions up for debate and contestation – even though he explicitly distances himself from the ‘blinding’ libertarian-legalistic and ideal-theoretical biases in Anglo-Saxon liberalism. According to Bader, normative judgments regarding issues of religion and politics, such as the desirability or the type of state support for religion, cannot limit themselves to the analysis of constitutional principles but must also take into account all sorts of cultural, historical and informal power relationships such as assimilative pressures of nationally dominant religions vis-à-vis minorities. He therefore introduces the notion of ‘religious governance’: an analytical instrument that brings into view legal, cultural and informal strategies of regulations between (semi-) public actors (the state, European law, religious councils) and a variety of religious actors such as churches, congregations and informal religious networks. Given its focus on a wide variety of power relationships, governance could indeed be a promising counter-weight to overly legalistic or libertarian framings of the relationship between state and religion. In addition, relocating the state in a network of public and private interactions may also serve to problematize the classical opposition between state and civil society, a dualism that is, in different ways, still prevalent among many republican and liberal

political theorists. However, although Bader criticizes libertarians for their faith in unfettered self-organisation in ‘the religious supermarket’, he sometimes invokes these libertarian tropes himself. Take for example his criticism of recent French policies that intended to create a privatised, Republican Islam. ‘The second main aim of the French administration has explicitly and consistently been to control and domesticate Islam, to assimilate Islam into the republic, to create a moderate, liberal and privatised ‘French’ Islam and to fight the idea of a ‘community’ that runs counter to French Republican principles ... *instead of allowing the free association and organisation of the different ‘Islam(s) in France’ on their own terms*’ (Bader, 2007, p. 234).³ Even though Bader offers compelling arguments against French secularism (laïcité), juxtapositions such as these too easily identify power with state action and fail to bring into view power relationships that structure the ‘free association’ in the religious supermarket. Furthermore, I don’t think this dualism is only a rhetorical attempt to mobilize us against French laïcité but also that it points to a more structural problem in Bader’s analytics of governance itself, namely, the fact that it does not conceptualize the relationship between the state and the production of religious truth.

The alliances between the state and religious truth

Bader distinguishes governance from the production of, and struggle between, religious knowledge, interpretations and practices, or what is, perhaps ironically, qualified as ‘God’s Biggest Supermarket’. Whereas governance concerns *intentional* strategies of regulation, religious competition amounts to ‘an invisible-hand mechanism of customs, laws, self-regulation within and among competing religious, and of public(,) bodies’ (Bader, 2007, p. 50). The relationship between governance and this ‘invisible-hand’ mechanism is not always clear. Sometimes Bader suggests that the state (engaged in a network of

governance) can limit itself to the establishment of *preconditions* for the religious supermarket, facilitating a healthy competition between religious truth rather than actively taking part in this struggle itself: a claim which fits nicely with the normative injunction that the state ought not to infringe upon core issues of faith. At other points it is acknowledged that the state cannot avoid infringing upon core issues of faith and thus takes part in these struggles (Bader, 2007, 135). (For, a state that wants to accommodate religion has to legally define religion, determine which religions will be recognized and, apart from legal practice, inspection, and negotiations, have some effects on the shaping of religious practice and doctrine within FBO’s.) Nonetheless, there is little attention, let alone a vocabulary, that highlights how the state is involved or could become a partner in the production of religious truth; the problem is recognized and classified as a ‘danger’ but it does not seem to merit further reflection.

This omission is surprising. After all, state interventions in the religious supermarket are not only pursued in strong secularist projects such as French laicism or by states with an overt theological-imperialist agenda such as the United States.⁴ States will also participate in the production of religious truth when they take to heart Bader’s own principle of state neutrality in terms of even-handedness. This guiding line calls upon state officials to take into account ‘all the particularities in the context at issue.’ Such a contextualized reasoning in religious matters will most likely have to draw upon theological expertise or scientific authorities that render an account of the basic tenets and interpretations of core issues of faith. In fact, the alliance between an even-handed state and expertise has become quite clear in recent discussions of the so-called *Refah*-case: a decision of the European Court on Human Rights in which the Court argued that the Turkish state did not violate international juridical norms when it dissolved the Islamic Refah party. Critics of this court decision rightly criticised the Court for its static and essentialized conception of Islam and suggested that expert witnesses need to be brought into the

courtroom to arrive at more nuanced and contextual judgments.⁵ Such a practice could indeed be an important counterweight to Orientalist prejudices in the judiciary. However, it does immerse the state in the political contest between competing 'Islams', or different ways of studying, interpreting and experiencing Islam. It also suggests that the political questions of today are perhaps not whether the state 'should or should not' intervene in core issues of faith - the way Bader tends to frame our choices - but rather which kinds of discourses the state - directly and indirectly - helps to produce and which ones it discourages.

Analyzing the alliance between the state and religious expertise is not only crucial to diagnose the functioning of the principle of embedded neutrality; I think it is also pertinent to a discussion and a defence of associative democracy. Let us presume that associative democracy indeed succeeds in funding a plurality of FBO's, 'as many as citizens wanted to organise, catering to the various lifestyles of individuals and groups' (Bader, 2007, p. 189). Should we then not also expect a proliferation of conflicts between citizens and FBO's, such as disagreements with regard to how associations apply and implement religious norms and standards? And is it not likely that some of these citizens will end up in courtrooms where judges and experts have to decide whether religious norms have indeed been implemented in a consistent manner? Put otherwise, associative democracy may 'thin' out the state in terms of providing services but it could become a lot 'thicker' in terms of religious knowledge production.

Theoretically, our analysis and judgment of associative democracy could benefit from conceptualizations undertaken in 'governmentality studies.' This Foucaultian-inflected paradigm shares the presumption of governance that political analysis needs to think 'beyond but not without' the state but it has also pointed out some of the shortcomings in the analytics of governance. For example, governmentality theorists have argued that the tendency to naturalize the object of

government in terms of free association and self-organisation in governance studies remains too much indebted to classical-liberal dualisms and depoliticizing techniques. Bader's assumption that associative democracy provides the *preconditions* of religious self-organisation or competition is vulnerable to this charge: it fails to bring to account how partnerships between the state and religious authorities are actively involved in the construction of religious subjectivity. From the perspective of governmentality associative democracy is a project through which the state 'acts on[at?] distance': a type of government that, first, constructs an autonomous domain outside of politics, such as 'the religious supermarket', and, secondly, manages this domain through coalitions between the state and truth practices of spiritual authorities and scientific expertise (Rose, Miller, 1992, p. 180). If one starts from the assumption that the state is always, in different ways, implicated in a network of producing religious truths, the relevant political questions to ask would shift somewhat: before asking the prescriptive question 'should the state 'interfere' or 'stay out' of core issues of faith', we would be interested in finding out which networks of truths the state explicitly or implicitly partners with. Such an analysis has a obvious democratic import: if associative democracy will grant some religious citizens a 'fairly thick shield of intimacy', this seems all the more a pressing reason to bring the explicit and unintentional partnerships between the state and the production of religious truth into view.

Bader has not been very praiseful of the merits of poststructuralist interventions in the debate on religion and politics. It has to be admitted that this paradigm has not put a lot of weight on developing concrete institutional alternatives - a practice which is indeed one way of doing democratic theory. However, analysing ruling assumptions and certain techniques within institutional proposals, such as political-liberal strategies that render the production of truth in democratic life from sight, is at least as urgent. In my view Bader may rely too much on a strategy that the theorist Rancière termed as 'parapolitics':

the attempt to solve exclusions that arise as a result of institutional government through institutional remedies (such as stakeholders meetings etc.).

Bader rejects recent tendencies in political theory to develop meta-physical or ontological meta-narratives that might offer alternatives to predominant theistic, classical-liberal or libertarian ontologies.⁶ Foucaultians or Deleuzian-inspired conceptions of democracy are accused of being overly perfectionist and sometimes even represented as contradictory to the ambition to keep the centre of democracy 'empty' (Bader, 2007, p. 48)⁷ As a democratic political liberal Bader prefers a strategy of avoidance with regard to contentious issues and rather shifts the debates on ontological and epistemological issues to stakeholder meetings. Democratic theory should take the 'actual definitions and voices [that arise in actual democratic dialogue, IR] as an inevitable threshold for non-paternalistic forms of democracy' (Bader, 2007, p. 308). This appeal to non-paternalist theorizing seems belied by Bader's own plea to displace secularism as a meta-narrative of democratic politics. Whatever you make of it, the attempt to de-centre secularist parameters is a political intervention on behalf of the theorist to alter dominant and 'actual' self-understandings and voices that set the stage for current discussions today. Moreover, I wonder whether an appeal to anti-paternalist theorizing is indeed as democratic as Bader suggests; it might also consolidate the theorist as a spectator of politics while doing little to bring into view how democratic thinkers, through their conceptual interventions, actively participate in the construction of democratic life. Bader has convincingly shown us some of the hazards of secularist political theory. But his discussion also raises the question whether it is perhaps not so much secularism *tout court* but rather secularism's alliance with political liberalism that hampers a democratic engagement with religion.

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¹ An example: religious representatives may obtain seats in ethical committees but do not have a priori rights to mandate or control state policies and laws or the outcome of democratic deliberation.

² In his genealogy of secularism in nineteenth and twentieth century German thought, Hermann Lübbe argues that the secularisation-thesis gave support to positivist cultural political projects but was also central to several theological criticisms of civilizational decline in modernity (Lübbe, 1965, 2003: 87). For a recent criticism of secularism and the attempt to revive Christianity as the essence of Dutch communal life, see the Dutch bestseller ‘Time of discontent’ (‘Tijd van Onbehagen’) by philosopher Ad Verbrugge, *Tijd van Onbehagen: Filosofische essays over een cultuur op drift* (Amsterdam: Sun 2004).

³ My emphasis.

⁴ For a critical analysis of the program to reform Islam in the Muslim World by the US State Department, see Mahmood, 2006.

⁵ See Moe, 2005.

⁶ For an account of the re-emergence of ontology in recent Anglo-American political theory, see White, 2000. Oliver Marchart traces such developments in French post-War political theory, Marchart, 2007.

⁷ Bader’s allusion to Lefort is surprising. Lefort’s understanding of power in terms of an ‘empty space’ refers to the acknowledgement and institutionalization of conflict in democratic regimes. Even though democratic regimes are committed to a continuous problematization of the relationship between truth and politics, he does not suggest that political philosophers must try to avoid metaphysical or ontological questions. On the contrary: one of the distinct tasks that Lefort identifies as political philosophical – and that has to be defended against attempts to turn political philosophy into political science - consists in a reflection on the ontological conditions of possibility for democratic theory and practice. (‘The elaboration attested to by any political society [...] involves an investigation into the world, into Being as such.’ Lefort 1988: 219).