



Religare Working Paper

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and Secular Models
in Europe
Innovative Approaches
to Law and Policy



Religion and the Myths of Secularization and Separation

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Abstract

This paper discusses the difficulties we encounter in working out with care and detail – in conditions of extensive religious diversity – a concept of religion that is not biased towards ‘Western’, Christian or Abrahamic religions. Yet, it also tries to show that we need such a concept for practical and scientific purposes. With the aim of ending the *unhappy marriage* between ‘modern’ sociology and a predominant political philosophy that has uncritically legitimized the ‘secularization of societies’ and a pretended ‘secular state’/politics, the paper discusses whether it is possible to develop critical concepts of ‘the secular’ and of ‘secularization’ that are free from their Western, Christian and Protestant bias. It intends to show that only polycontextual and perspectivist concepts can achieve this and what such critical concepts look like.

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Introduction

All research on the governance of religious diversity should explain the concept of religion used, mainly for practical reasons but also because legislation, administrations and jurisdictions cannot avoid dealing with it and should do so in as informed and unbiased a manner as possible. Studies that set out to criticize the twin myths of secularization and a strict separation of states/politics from religions, which have dominated everyday language along with liberal, democratic, socialist and feminist politics, and the predominant theorizing in (liberal) political philosophy as well as in sociological theories of secularization and modernization should make plausible what, if anything, is wrong with these guiding ideologies. This paper starts by discussing the difficulties in working out with care and detail – in conditions of extensive religious diversity – a non-biased concept of religion. It also tries to show that we need such a concept for practical and scientific purposes (section 1). With the aim of ending the *unhappy marriage* between ‘modern’ sociology and a predominant political philosophy that has uncritically legitimized the ‘secularization of societies’ and a pretended ‘secular state’/politics, the paper discusses whether it is possible to develop critical concepts of ‘the secular’ and of ‘secularization’ that are free from their Western, Christian, Protestant bias. In section 2, the paper tries to show that only polycontextual and perspectivist concepts can achieve this.

From the perspective of religions, it may be legitimate to describe their other side, the ‘non-religious’, as ‘secular’, as a ‘secular world’ based on ‘secular communications’. From the perspective of sociology (section 3), however, this paper also tries to show that a generalized use of ‘secularization’ is counterproductive and should be avoided, because the thesis of an inevitable decline of religious beliefs and practices (section 3.1) and the thesis of an inevitable subjectivization or privatization (section 3.2) are at odds with empirical evidence we can readily find within modern Western societies and on a global scale. The hard core of the thesis – ‘modern’ societies demand a strict or complete functional and institutional separation of states/politics from (organized) religions – is refuted in section 3.3, where a defense is given of a more minimalist threshold of functional, institutional, organizational and role differentiation that is more in line with the widely divergent, actual relationships between societies, politics, culture, state and organized religions.

Refuting false evolutionary, structural and functional necessities not only highlights contingency, path dependency and a sense of institutional diversity in the social sciences, but also opens up prospects for imaginative institutional and policy alternatives, i.e. realist utopias more in line with historically and comparatively informed social sciences. This is also why moral and political philosophers should be interested in a brief course in the critical sociology of religion.

1. Religion and religious diversity

‘Religion’ is a complex, historically and socio-culturally embedded, essentially contested concept. Two widely known characteristics of religions make it nearly impossible to find a common and ‘objective’ core of a meaningful term: first, the huge variety of types of religions, and second, the increasing acknowledgment that definitions or ‘observations’ of religions are inevitably rooted in competing religious and cultural traditions themselves. This seems to exclude any possibility of ‘independent’, ‘neutral’, ‘transcultural’ or ‘universalist’ definitions or second-order observations of religions.

Historical as well as contemporaneous *types of religions* differ widely with regard to many interrelated dimensions:

- Do they distinguish – in speech or action – between an *immanent* and a *transcendent* world, and if so, to what degree and with which *semantics*, e.g. unfamiliar versus familiar, far versus near, invisible/unobservable versus visible/observable, otherworldly versus this-worldly, infinity versus finiteness, heaven versus earth, sacred versus profane, etc.?
- How is the *transcendent* – spirits, powers, gods, God, nirvana, self, Brahman – *described* and how is it *evaluated* (good, bad, indifferent or horrible)?
- How are the *borders* between the transcendent and the immanent *marked* and what places, times, events, objects or actions are considered sacred? What is forbidden and how is it sanctioned?
- How is the *transcendent shown* and how does it show itself and make itself known in this world? Are there any special ‘*mediators*’ or *specialized roles* needed to transgress these borders – magicians, shamans, witches, seers, storytellers (*mytho-poietès*), priests, prophets, holy men, monks or preachers – and if so, how is the relationship between the various kinds of religious elites and lay people structured?
- Are they *belief-centered* or *centered on practices* – cults, rites and rituals but also habits, ethos, virtues and the different bodily or spiritual techniques used (trances, dancing, singing, asceticism, meditation, praying, etc.) – and how are the beliefs and practices *related* to each other, evaluated, transmitted and learned?
- Is religious belief *orally* transmitted (e.g. as mythos) or by *written text*, and if the latter, are there any attempts by *experts* (e.g. rabbis, theologians, sheiks or ayatollahs) to make these ‘holy’ books and texts consistent and systematic (dogmatizing canons, rules and regulations)? How extensive are these attempts?
- Is the community of practitioners bound together solely by shared practices or beliefs, or are they complemented by more or less *formalized and hierarchically structured organizations* (orders, temples, monasteries, mosques, ‘churches’, congregations, etc.) and *authoritative rulers* (bishops, popes, patriarchs, etc.)?

Under *recent conditions of contested globalization*, both the awareness of the huge diversity of competing types of religions and the critical sensitivity against contested evolutionary ‘civilization’ and the (implicit or explicit) imperialist or ‘Eurocentric’ definitions and descriptions of religion are mounting.

On a *global* scale, the following simultaneous processes can be discerned: monotheistic religions are competing with each other globally, engaging in aggressive missionary and proselytizing campaigns; at the same time they are caught in progressive competition with polytheistic and non-theistic world religions and their export to ‘the West’. Increasingly, animistic, spiritualist ‘tribal’ religions are also ‘going global’ and religious syncretism is rising, particularly in Latin America and Africa. This situation of a more or less peaceful coexistence of divergent types of religions makes the expansion in religious diversity visible. The process may be summarized as a development “from hegemony to pluralism” (Bouma, 1999; Martin, 1990, pp. vii f, 293ff; Luhmann, 2000, pp. 141ff, 341ff).

Within ‘Western’ Christian or Judeo-Christian state societies, one also finds competing monotheisms, intensified, ‘reactive’ Protestant fundamentalisms within Christianity, Islam as the old foreign ‘enemy’ and the new ‘enemy’ from within. There has also been the import of all types of Eastern world religions (Hinduism, Buddhism and Zen), new age sects and spirituality (Woodhead, 2005 and 2010), an increased visibility of native peoples and their religions, and a massive growth of all possible forms of syncretism. The cultural and religious borderlines separating developments within and outside state societies are becoming increasingly porous or are breaking down (Levitt, 2007). The increasing religious diversity or pluralization of the religious landscape globally and within Western states seems to be accompanied by ever more fragmentation of organized ‘high’ religions, putting pressure on existing forms of institutionalization of religions and their ‘management’ by the state (Bouma, 1999 and 2004), especially on the rigid version of religious ‘corporatism’ in some European countries.

These developments have massively contributed to a reconsideration of traditional *concepts of religion* – embedded in the Christian tradition – in normative disciplines, particularly law and jurisprudence. The development of the *jurisdiction of the US Supreme Court* in famous religious cases – polygamy, the flag salute, conscientious objections and other exemptions, as well as the use of drugs – exemplify and illustrate this. The Supreme Court’s mounting difficulties in finding defensible definitions of ‘religion’ under conditions of greater and manifestly visible religious diversity are excellently analyzed by Galanter (1966, pp. 235ff and 260ff) and in HLR Note (1987, pp. 1622–31, 1647ff).¹

Originally, the Court’s decisions showed an unreflective and unrestricted bias in favor of the majority religion of (Protestant) Christianity (e.g. in the famous anti-polygamy rulings against Mormons) (Galanter, 1966, pp. 231ff, 257; Greenawalt, 2000, p. 206ff). This concept, even when broadened to include Catholicism and Judaism, has been *monotheistic* or at least *theistic* (God, supreme being), *dogmatic* (favoring ‘derivative theological articulation’ over ‘religious activity’), *belief-centered* (discriminating against ritual-centered religions) and content-centered (favoring so-called ‘high’ or ‘civilized’ religions over ‘low’ or ‘barbarian’ ones). The perspective of the dominant religious majority, implicitly or explicitly endorsed by the Court, has been disguised as an objective standard. During a long and still ongoing process of learning – stimulated by conscientious objection cases (see Miller, 1985, pp. 363ff; Moskos and Chambers, 1993, Eberly and Gal, 2006) – most of the essential parts of this definition have been dropped. In recent cases, the Court has used very broad, ecumenical, permissive and subjective definitions of the religious, focusing on the perspective of the claimant. The *practical dangers* of such an all-inclusive and subjective definition are so obvious that the Court

¹ On similar difficulties in France, see Basdevant-Gaudemet (1995, pp. 132, 137); in Belgium, Torfs (1995, p. 21); in Italy, Ferrari (1995, pp. 193f); in Portugal, Canas (1995, p. 299); in India, Galanter (1998, pp. 255ff and 273ff) vs. Smith (1998, pp. 196ff); and in Australia, Bouma et al. (2005). The record of Australian courts in aboriginal land-claim cases (‘continuous connection’ in the observance of traditional customs) is particularly disappointing. Some of the practical troubles of applying privatized, subjectivized definitions of religion (following an idealized version of radical Protestantism) are analyzed in later chapters of Bader, 2007). UN declarations and international covenants (see Koenig (2003, pp. 142ff) on ambivalences) also try to avoid a clear legal definition of religion, but show predominant interpretations: in the first phase, these are more in line with a classical occidental concept of religion (p. 132), while in the second phase a more ‘*primordialized*’ interpretation (‘race’) or a more ‘*culturalized*’ interpretation (‘ethnicity’, ‘tradition’, ‘cultural human heritage’ and ‘cultural diversity’) is prominent (pp. 139f). Recently, *protests against such ‘ascriptive’ definitions* have been gaining in force.

applies an uneasy mix of criteria, such as sincerity, centrality (not to all religions but to the particular religion in question), time and some measure of shared public understanding, to prevent the paradoxical results of the new latitudinarianism, especially in exemption cases (Galanter, 1966, p. 271: “The One and the Many”).² Attempts to avoid ‘legal’ definitions of religion (by explicit legislation or jurisdiction) are counterproductive from a liberal rule-of-law standpoint because, in our view, they would only increase the fairly unlimited and uncontrolled discretion of administrations.

The same difficulties of finding a defensible balance between broad ‘cultural’ definitions of ‘religion’ that seem to exclude nearly nothing, and more specific (e.g. ‘ethnicized’) definitions that seem to be too narrowly linked to specific religions, are characteristic of *recent scientific discussions*. It seems fairly safe to say that all attempts to press the enormous diversity of religions into the Procrustes bed of one ‘ontological’, ‘epistemological’, ‘anthropological’ or ‘psychological’ concept of the ‘essence’ of religion have failed.³ Alternative attempts by *sociologists* of religion are, inevitably, more abstract and promising but are also confronted by considerable difficulties, as outlined below.

First, they have to start from reflections on the factual “*polycontextuality* of descriptions of religions” (Luhmann, 2000, p. 352, all translations are mine). Competing religions observe and describe each other, and the ‘external’ descriptions by social scientists are neither just neutral nor objective (the observations of sociology are observed by others, religions among them), nor can they try to replace them, as ‘Criticism of Religion’ and the non-reflective comparative science of religions has attempted for so long.

Second, sociologists who are trying to give ‘functional’ definitions of religion, also have to answer the demanding questions: “[W]ho is the observer when asking for the function of religion? Whose interests regulate the scope of the intended comparison? Who is distinguishing which problem of reference?” (Luhmann, 2000, p. 118).

² In relation to Canada see the case, *Syndicat Northcrest v. Amselem*, 2004 SCC 47, [2004] 2 S.C.R. 551. The state is in no position to be, nor should it become, the arbiter of religious dogma. Although a court is not qualified to judicially interpret and determine the content of a subjective understanding of a religious requirement, it is qualified to inquire into the sincerity of a claimant’s belief, where sincerity is in fact at issue. Sincerity of belief simply implies an honesty of belief and the court’s role is to ensure that a presently asserted belief is in good faith, neither fictitious nor capricious, and that it is not an artifice. Assessment of sincerity is a question of fact that can be based on criteria, including the credibility of a claimant’s testimony, as well as an analysis of whether the alleged belief is consistent with his or her other current religious practices. Since the focus of the inquiry is not on what others view the claimant’s religious obligations as being, but what the claimant views these personal religious ‘obligations’ to be, it is inappropriate to require expert opinions. It is also inappropriate for courts rigorously to study and focus on the past practices of claimants in order to determine whether their current beliefs are sincerely held. Because of the vacillating nature of religious belief, a court’s inquiry into sincerity, if anything, should focus not on past practice or past belief but on a person’s belief at the time of the alleged interference with his or her religious freedom (p. 3). See Jones (2010, note 10 for some UK rulings). The Canadian Court is much clearer in this distinction of ‘judging culture’ vs. ‘judging individual commitments’ than the *US Supreme Court*, which has mixed the subjective criteria of ‘sincerity’ with ‘objective’ criteria of existing cultural practices and also tried to ‘objectify’ sincerity. Yet in sincerity tests, questions regarding the *consistency* of practices and beliefs and of *duration* are relevant. See Eisenberg (2010, p. 17) for dilemmas. Her own recommendations are strongly biased in favor of emphatically interpreting “freely chosen” (p. 17) and of imposing ‘emancipation’ and ‘democracy’ deep down (pp. 20f; the latter is a consequence of her neglect of the collective and associational side of liberal autonomy).

³ The ‘nature’ of human beings seems to be too malleable, the ‘phenomenological diversity of religions’ too overwhelming, and ‘needs’ and links to ‘consciousness’ or ‘subjectivity’ are too embedded in the own religion even “though there are others” (Luhmann, 2000, p. 320).

Third, “in the recent religious system of global society there seems to be no ‘civilizatory’ progress as had been expected in the 18th century – neither in the direction of an increasing penetration of religion with secular elements nor in that of a moral and cultural *ecumene*”.

Ideas that have been confident that the totality of religious forms could, from the perspective of a second-order observation, be grouped into primitive or civilized, barbarian, traditional or modern, eventually assuming a ‘post-conventional’ phase of individualized religious self-expression and corresponding communications... This ‘historicization’ of the complexity has already been an answer to the emerging polycontextuality of religious descriptions... Today, this is no longer possible or it can be easily uncovered as ‘Euro-centrism’ (Luhmann, 2000, pp. 351f).

Finally, concepts of evolution and the functional differentiation of societies, which are trying to avoid implicit or explicit assumptions of civilizatory progress, have to analyze historically and religion-specific semantic elaborations of the religious code. In addition, the function of religion has to be compatible with different degrees of ‘differentiation of societies’.

We believe that Luhmann’s concept and theory of religion is the most reflective, systematic and satisfactory approach for the following reasons:

- i) Contrary to the typical reaction of sociologists like Luckmann (1967), who have tried to weaken the demands on the concept of religion by either completely ‘*subjectivizing*’ it – religion then dissolves into ‘religious experience or religious intents’ or the arbitrary claims of believers and practitioners, like art dissolves into what artists declare to be art – or by completely *historicizing* or *particularizing* it (as Asad or Balagandhara like all genealogists do), a meaningful scientific concept requires limitations. It has to exclude something, it has to spell out the perspective of the first- or second-order observers, and it has to define the specific reference problem religions try to answer as well as the specific function religion fulfils.⁴
- ii) It explicitly avoids the evolutionary assumptions that all religions in modernity become exclusively *belief-centered and subjective* (following a misguided mythical idea of radical Protestantism as an evolutionary end-state of religion in (post-) modernity, implying if not

⁴ *Genealogists* like Asad or Robertson also have to answer the question: Genealogy of what? If the “idea of religion” is exported/imposed by “the West” and adapted/transformed by “the East”, some “family resemblance” (Robertson, 1987, p. 15) is still required. Robertson’s own concept of religion (p. 3) is clearly inadequate in this regard. The attempt to circumvent any theoretical definition of religion and to concentrate on (historical, structural and cultural) conditions of changing genealogies of everyday and scientific concepts (see Koenig, 2003, pp. 67ff) can avoid subjectivism, but obviously fails to demarcate the object of such changes (e.g. the claim that religion has recently changed from belief and practice to ‘identity’ makes this quite clear because one has still to explain what is ‘religious’ about identity definitions). For fear of ‘essentialism’ one loses sight of distinctions and may end up with weird comparisons. A related alternative would be to use a *Wittgensteinian framework and see religions as language games* (suggested to this author by Bobby Sayyid; Balagandhara (1994, p. 20) also briefly but inconsequentially refers to Wittgenstein. It would also allow for a non-subjectivist or collective definition of ‘shared’ religious practices, it would focus on contexts and it would help to avoid not only any ‘essentialist’ definitions but also any search for ‘higher’ or ‘deeper’ meta rules. It would, however, run into the same trouble as a purely genealogical view. Yet we would concede that our analogy about the practical need for an exclusive conception of religious practices (see above concerning the US Supreme Court) and the theoretical need is not very strong. Like in the case of ‘secularization’ (see below), one can engage in stimulating historical and comparative research of (changes in) religious practices without trying to clarify distinctions between, e.g. ‘political’ or ‘ethno-national’ and ‘religious’ practices in a more general way.

- soliciting a Protestantization of Catholicism, Orthodox Christianity (and Lutheranism and Anglicanism), Islam and Hinduism).
- iii) Even belief-centered conceptions should not lose the specificity of religious symbolism, meaning, sense and identity, instead being dissolved into cultural symbolism (Geertz, Luckmann) or (more or less dogmatically articulated) ideologies or symbolic universes (such as ‘Marxism–Leninism’ as a ‘religion’).⁵
 - iv) Practice-centered concepts (in the tradition of Pascal) are also often in danger of losing the specificity of religious practices, as is the case with many definitions of religion in cultural anthropology that focus on rites and cults (Durkheim), on attitudes and habits (Mauss, Asad), or on *illusio* (Bourdieu, 1987) and all commitments of “ultimate concern” (Tillich), or on ‘functional equivalents’ like ‘civil religion’.⁶ The extremely broad concept of religion in the research tradition of ‘political theology’ runs into the same objections.
 - v) On the other hand, it avoids the overly historical and religion-specific semantics of the religious code in order to distinguish between the religious and the non-religious.⁷

In Luhmann’s recent elaboration of his auto-poetic systems theory in *The Religion of Society* (2000), religion is seen as a *specific system of meaning and communication*. “Religion is in no way

⁵ In his criticism of “the conventional wisdom” that religion is “a cultural universal” showing a wide variety of different “kinds” or “types” (Balagandhara (1994) tries to demonstrate that ‘religion’ is a ‘Western’ concept, that religions are not only “the best examples of worldviews” but also “the only examples”. In his “partial description of the West against the background of an Asian culture” (p. 9) he tries to show that “India” has neither a religion nor a worldview (chapter X). Both claims can be made plausible only on the assumption that his definitions of religion and of worldview are self-evident. His definition of *religion* as “an explanatorily intelligible account of the Cosmos and itself” (“both the object language and its own meta-language” (p. 345)) restricts religions to “Semitic”, “monotheistic” (Judaism, Christianity and Islam), belief-centered, textually codified (sacred or holy books), standardized cognitive worldviews that institute doctrinal or organizational authorities to settle conflicts or disputes of interpretations and to transmit and propagate (see his five sociological conditions for the ‘transmission’ of worldviews = religions). Ironically, this dogmatic concept of religion is quite close or even identical to the original views of the US Supreme Court quoted above. It grossly misdescribes even ‘Western’ religions and is obviously completely inadequate to capture practice- or ritual-centered, orally transmitted, non-formalized religions that know no hierarchical authorities with the powers to standardize and excommunicate. His definition of ‘worldview’ also has this ridiculously limited ‘cognitivist rationalist’ bias excluding practical knowledge (in the broad sense) and the ways to transmit it (see our treatment of a much broader concept of “symbolic universes” in Bader, 1991, chapter VI on “Articulation”).

⁶ Durkheim’s influential proposal – religions have the function of building/stabilizing solidarity and of morally integrating societies – has the obvious disadvantage that it neglects the fact that religions are “primary sources of conflicts” (Luhmann, 2000, p. 121); it is untenable for functionally differentiated modern societies and more plausible for tribal societies. Its extensions to ‘civic religions’ would also have to discuss possible processes of ‘desacralization’ of civic ‘religions’.

⁷ Balagandhara does not even discuss the *transcendent/immanent* code and the related problems. Luhmann’s criticism of the basic distinction ‘sacred/profane’ (Durkheim) is convincing. It is a simple distinction to demarcate ‘spheres’. As such, it is – like Weber’s ‘*außeralltäglich/alltäglich*’ – unable to comprehend the re-entry of the distinction in “*das durch sie Unterschiedene*” (pp. 83f). This criticism enables Luhmann to demonstrate that the “re-entry of the difference between the Immanent and Transcendent in the Immanent (that is the Sacred)” (p. 127) is only one option that increasingly has to compete with the “idea of transcendence totally without difference” or “of an ‘ultimate meaning without any form’ that recently and increasingly (e.g. in fashionable ‘negative theologies’ or theories of ‘horizontal transcendence’ (see the NWO-funded project, Horizontal Transcendence: A Humanistic Perspective on the Future of the Religious Past) results in a ‘desacralization of religion’” (p. 127, see 146).

responsible for *Sinn schlechthin* [meaning as such]”. Religious communications – beliefs, discourses and practices – are distinguished from other communications by the use of a specific binary code: *transcendent/immanent*. Compared with earlier signifiers, this account allows for a *variety of alternative ways in which the transcendence/immanence distinction is recognized and signified* among and within divergent religions, i.e. from the (possibly and actually often diverging) perspectives of specific religions, other religions, non-religious people and scientific observers.⁸ His analysis is clearly perspectivist: sociologists (and others) observe the observations of religions and their observations can be observed by religions again. The specific reference problem – “indeterminability, self-referential recursivity, un-observability of the world and of the observer in the world” – is answered by religion in a way that guarantees “the determinability of all meaning against the horizon of indeterminability present in the experience” (pp. 127, 141 et pass). This function of religion is seen to be highly sensitive to societal structures, evolution and diverging semantics (p. 128). The fact that all observations and perspectives, including scientific ones, presuppose observers (who is observing?), interests and problems, and that they are embedded in history, societal and cultural structures, does not prevent or relativize scientific truth.⁹ It is more questionable, however, whether his theory of evolution and of modern society is able to avoid implicit evaluative biases.

For the purposes of this paper, Luhmann’s concept of religion is used without any further attempt at clarification or modification. It enables us to capture the full diversity of historical and contemporary types of religions. It also avoids the numerous misguided and biased exclusions inherent in monotheistic or theistic (belief-centered, dogmatic, civilizational, pure, etc.) conceptions without falling prey to dissolving religion into ‘culture’, cultural practices, discourse, meaning, communication or identity as such.¹⁰ It fully takes into account polycontextuality and criticizes unreflective attempts to privilege specific religious perspectives or the observations of religions or of science. In all these regards, it is fully appropriate for recent conditions of religious diversity in a globalizing world. Its considered perspectivism also opens up new avenues for discussing the processes and myths of secularization.

⁸ What lies before this distinction “we would not signify as religion” (p. 88, see 322; see also 1977, p. 194). This implies difficulties with traditions that do not distinguish between the immanent and transcendent, such as Confucianism, but it is not biased in the direction of a belief-centered definition of religion. The difficulty that not all traditions we are used to calling ‘religions’ do not distinguish the immanent/transcendent does not make this distinction worthless; the fact that not all societies distinguish between the ‘economic’ and the ‘political’ does not mean that we could not analyze their production and distribution systems and their decision-making structures (on the problems of differentiation and the conceptual consequences, see Bader and Benschop, 1989, chapters III.3 and III.4).

⁹ “Methodological a-theism” or better, “a-religiosity” (2000, p. 278). See Bader (2007), chapter 2 for this author’s concept of embedded impartiality and relational objectivity.

¹⁰ The fact that highly practice- or ritual-centered religions (such as Hinduism) do not allow a clear-cut distinction between ‘religious’ and other cultural practices, so much highlighted by Balagandhara, is a bad reason to dissolve ‘religion’ into ‘culture’ (by the way, we could play the same game with definitions of ‘culture’, and in the end would lose all concepts). That we cannot clearly distinguish between ‘religion’ and ‘ethnicity’ in all ‘ethnic religions’ (such as Hinduism and Judaism) does not mean that we should drop our distinctions between ‘ethnicity’ (broadly understood) and ‘religion’. If we did so we would be unable to describe and analyze ‘ethno-religious practices’ and processes of ‘ethnisation of religions’ and of ‘religionizing ethnicity’. As in the case of the fuzzy boundaries between immanent and transcendent, the boundaries between ‘religious’ and ‘ethnic’ or even broader ‘cultural’ practices can best be clarified by discussing cases in which the boundaries are challenged, e.g. by discussing the reasons courts do not grant exemptions or privileges to claimants by declaring them not to be ‘religions’ and the reasons groups claim to be religions.

2. Cultural secularization

The contested concept of secularization has a broad cultural meaning (secularization of cognitive and normative cultural frames, views of the world, society and men), a more specific social one (the decline of religious beliefs and practices in modern societies) and a political meaning (the secularization of the state and politics). The meanings are connected but not identical, and the assumed processes may overlap but they also diverge. We will try to show that these distinctions are practically important.

A good starting point for a historically informed analysis of cultural secularization is the construction of a “double dualist system of classification” (Casanova, 1994, p. 15) of the world in pre-modern European Christendom. On the one hand, the world was divided between ‘this world’ and ‘the other world’. On the other hand, ‘this world’ was divided into two heterogeneous realms or spheres, ‘the religious’ and ‘the secular’ (re-entry) – a “historically rather unusual variant of the sacred–profane division” – and this “spatio-structural” dualism was institutionalized throughout society. “One may say that, properly speaking, there were not two ‘worlds’ but actually three. Spatially, there was ‘the other world’ (heaven) and ‘this world’ (earth). But ‘this world’ was itself divided into the religious world (the church) and the secular world proper (*saeculum*)” (Casanova, 1994, p. 14).¹¹

Cultural secularization presupposes the validity and the historical meaning of the original concept of ‘*saecularisatio*’ in canonical law.¹²

Jean Papon, as far as we know, was the first who used the substantive in 1559, and the verb ‘to secularize’ was used in 1586. Both refer back to ‘*saeculum*’ in general and to the Latin legal concept ‘*saecularis*’ in particular. Already in the Codex Justinianus (around 533) *saecularis* had two meanings: first, a ‘worldly life’ in opposition to both a monastic life and a ‘clerical’ life. *Saecularis* means ‘*weltlich schlechthin*’ [completely worldly] in opposition to ‘*kirchlich, geistlich im weitesten Sinn*’ [church-like or spiritual in the broadest sense] and often has pejorative connotations. Second, *saecularis* means ‘clerical life’ and is opposed to ‘*regularis*’, who lead a monastic life. The second meaning – distinguishing clerical from monastic within *kirchlich, geistlich* – is still basic for any understanding of canonical law today. From the late 16th century onwards, *saecularisatio* designated the transitus from ‘*regulares*’ to ‘*saeculares*’/‘*canonicos*’, from monks to ‘*Weltgeistliche*’ (secular clergy). Canonical law did not use *saecularisatio* to designate the alienation of church possessions to lay persons (then called ‘*profanatio*’ or ‘*alienatio/alienare*’). Since 1646,¹³ this canonistic use has been increasingly superimposed by a worldly legal (‘*staatskirchenrechtliche*’) meaning as

¹¹ According to Casanova (1994, p. 14),

[t]emporally, we find the same tripartite division between the eternal age of God and the temporal–historical age, which is itself divided into the sacred–spiritual time of salvation...and the secular age proper (*saeculum*). Ecclesiologically, this tripartite division was expressed in the distinction between the eschatological ‘Invisible Church’ (the *communio Sanctorum*), the ‘Visible Church’ (the Una, Sancta, Catholica, Apostolica Roman church), and secular societies. Politically, there was the transcendental *City of God* (Heavenly Kingdom), its sacramental representation here on earth by the Church (the Papal Kingdom), and the City of Man proper (the Holy Roman Empire and all Christian Kingdoms).

¹² See Strätz (1984) in *Geschichtliche Grundbegriffe Bd. 5*, pp. 782ff and Marramao (1992, pp. 1133f).

¹³ See *Geschichtliche Grundbegriffe*, pp. 798–809: Henri d’Orleans, Duc de Longueville in disputes on Treaty of Münster, the spread of the new term, its legal justification and political and constitutional application (see also Hunter, 2009 for Thomasius in Brandenburg–Prussia). Only within the valid canonical law of the Catholic Church does the original ‘*ordensrechtliche Bedeutung*’ continue.

‘*secularizatione bonorum ecclesiasticorum*’, a secularization of church property, and (more broadly) a constitutional–political (‘*staatsrechtlich-politische*’) meaning as an abolition of church privileges and sovereignties predominant until the 19th century and (at a lexical level) far into the 20th century.

It is contested whether early attempts to use ‘secularization’ as a very broad and metaphorical ‘*geschichtsphilosophisches*’ [philosophy of history] concept in order to designate perceived deep changes in occidental *cultural* history is due to a direct analogy with the legal concept or refers back to the broader meaning of *saeculum* and the progressive breakdown of the whole, double dualist system of categorization.

From the early 19th century onwards, ‘secularization’ has increasingly been used to designate deep changes in European culture or Geist, from very different perspectives and with divergent meanings:¹⁴

- i) Counterrevolutionary movements see the de-Christianization of Europe as the problem and deplore it as the secularization of the church(es) and as the decline into illegitimate secularity. This *negative evaluation* of secularization is shared by romanticists like Eichendorff, nostalgically complaining about the loss of a “*festen Mittelpunkt in einer Zeit ungeheuren Schwankens*” [fixed centre in a time of enormous swaying or rocking] and as a cultural–historical demise and disaster.
- ii) Authors like Hegel (in his philosophy of history), Michelet and Rothe celebrate the Reformation as the ‘*Verweltlichung*’ [secularization] of Christendom and its realization in the state, on the one hand, and the Christianization and de-secularization of the Protestant church(es) on the other hand. Critics like Feuerbach and Marx in his early writings share a positive evaluation of *Verweltlichung* (“*ohne Umkehrung der Wertigkeit des Begriffs*”) [without inverting the evaluation of the concept] as emancipation but obviously criticize the notion of a realization of the (Protestant) ‘Geist’ in the (Protestant) state theoretically (criticism of theology and (Hegelian) philosophy) and practically (criticism of religion, politics, law and economy). A *positive evaluation* of the processes of inevitable secularization is also typical of Comte’s anti-clerical, sociological ‘positivism’ that, in addition, tries to actively stimulate the ‘decline’ of religion by aggressive *policies of ‘secularism’*, hoping eventually to replace it with a new ‘scientific religion’ (a forerunner of ‘*Materialismus als Weltanschauung*’ [materialism as a philosophy of life] in the second part of the 19th century and Marxism–Leninism in the 20th century). Policies of ‘secularism’ have also been developed and stimulated by ‘secular societies’ (the first one founded by Holyoake in 1846) and by many liberal and republican parties in their cultural battles (‘*Kulturkampf*’) to secularize states and to limit or end the influences of (Catholic) churches on education, science and society. ‘Secularism’ as a term gained broader prominence at the world mission conference in 1928 in Jerusalem.
- iii) In clear opposition to such positive evaluations of secularization and policies of secularism, particularly to the idea of the *Verweltlichung* of Christian churches, radical or

¹⁴ We summarize the excellent German-centered treatment by Zabel (1984, in *Geschichtliche Grundbegriffe*, pp. 809–29) and Marramao (1992, pp. 1135–51) to indicate the multiplicity of perspectives and evaluations, and the variety of meanings of this metaphorical concept. Although the timing and wording is colored by ‘national’ patterns of secularization – with no uniform European *Geistesgeschichte* – the same or at least similar perspectives and meanings characterize the history of other ‘national discourses’.

‘negative’ theologians in the Christian tradition like Overbeek, von Hartmann and later Karl Barth and Gogarten argue for a return to the original Christian perspective of a radical ‘*Weltverneinung*’ [negation of the world]. ‘Negative’ theologies or philosophies have also been developed in the Jewish tradition (e.g. Adorno or Levinas).

- iv) At the turn of the 20th century, and connected to a broadened disillusionment with ideas of ‘liberal’ progress, emancipation, individualism and an increased sensitivity regarding the ambivalence of the ‘fate’ of ‘rationalization’, ‘bureaucratization’ (Weber) or modernization, all central concepts of ‘liberal’ political theory (subject, autonomy, responsibility, etc.) and of modern theories of the state (sovereignty, legitimacy, etc.) have been debunked as ‘secularized theological concepts’ (Carl Schmitt’s *Political Theology*, partly also Troeltsch, Löwith and later Voegelin). Authors like Blumenberg and Mazzarino have in turn criticized these attempts to reduce the meaning and importance of these concepts, including that of ‘world history’, to their ‘origins’ (similar to original intent interpretations of constitutions) by using ‘secularization’ as “*eine Unrechtskategorie*” [category of injustice]. The re-claimed ‘*Legitimität der Neuzeit*’ [legitimacy of modernity] has to be conceptualized and judged on its own terms.

Before turning to explicitly ‘sociological’ concepts, it seems wise to briefly summarize some implicit biases¹⁵ that often appear in these debates on cultural secularization, because this enables us to inquire whether (and if so how) recent sociology has been able to overcome them.

- i) Concepts, processes and debates show a clear but not always acknowledged *Christian and Western* bias. They clearly do not cover all religions of the world.
- ii) Even within this tradition, they show a clear *Church bias* and either neglect or seriously underestimate folk religions or ‘paganism’ in the Christian-dominated world.
- iii) The original *Catholic*, explicitly *anti-Protestant bias* has eventually been countered by an explicit bias in favor of Protestant or Protestantized, ‘subjectivized’ or ‘individualized’ religions.
- iv) The evaluation of secularization has been *ambivalent*: its original *pejorative* meaning is increasingly but not consistently being replaced by *positive evaluations*.
- v) ‘Secularization’ seduces us into thinking about all concepts, phenomena and processes from their (real or nostalgically constructed) origins and this origin bias also characterizes terms of decline, loss, demise and erosion instead of differentiation and gain, and it attempts to conceptualize ‘history’ from the present or the future.
- vi) ‘Secularization’ has been focused on state–church relationships and this original state bias has been characteristic of later discussions of religions in the ‘nation-state’, impeding comparative perspectives in ‘the world-as-a-whole’ (Robertson, 1987 and 1992).
- vii) In the process of a meaning change from a legal (in canonical law, in church-state law) to a broad, metaphorical, free-floating, cultural and philosophical meaning, the term no longer has

¹⁵ See Casanova (1994, p. 39), Robertson (1987 and 1993), Asad (2003) and Rooden (1996).

clear boundaries and distinction. It has become a vague, ambivalent, multi-dimensional term with many and often incompatible meanings.

3. Sociology of religion and secularization

Against this background, it is understandable that sociologists (of religion) have had a hard time living up to their claims of formulating concepts and theories of secularization, which, like scientific ones, have had to be ‘secularized’ (in the sense of not bound to religion, methodologically atheistic) but not ‘secularist’, free of bias and evaluative judgments, specified, operationalizable and empirically testable.

With a few exceptions like de Tocqueville and William James, social scientists have long taken secularization for granted as a commonsense and plain truth. From the 1960s onwards the thesis has met growing skepticism. The concept has turned out to be fuzzy and polyvalent, its descriptive content vague and the explanatory theories weak. The empirical evidence has seemed to indicate, if anything, that there has been a religious change (e.g. ‘privatization’ or ‘individualization’) instead of ‘decline’ (Luckmann 1967) or ‘loss’ of significance or function. The majority of sociologists of religion have increasingly declared the thesis as useless, rejected it and opted for abandoning it (e.g. Martin in 1965). They have replaced it with studies of ‘religious change’ or historical and comparative ‘genealogies’ of religion (Robertson, Asad, v.d. Veer). If there is a need to retain a concept of ‘secularization’, as Martin (1978), Luhmann (1977) and Casanova (1994) argue, one has to clearly specify its meaning, its dimensions and analyze them in an analytically separate way. Casanova’s distinctions among three different theses and understandings seem useful as a point of departure: ‘secularization’ i) as the decline of religious beliefs and practices; ii) as the individualization or privatization of religion; and iii) as the functional, institutional, organizational and role differentiation.¹⁶

It is argued here that we indeed had better drop the decline thesis, we should carefully distinguish among the usually combined claims of individualization/privatization/subjectivization and have good theoretical, empirical and normative reasons to reject both privatization and subjectivization and qualify the individualization thesis. We also have to carefully circumscribe the differentiation thesis.

3.1 Decline of religion(s)?

Some political philosophers often erroneously believe that the social secularization of societies in this sense would also require a completely ‘secularized’ state and politics (see below), but they are even more misguided when they believe at face value that ‘modern’ societies would be secularized societies. Sociologists like Foster, defending the thesis of an inevitable decline of religion in ‘modern’ societies have usually focused on *Western societies* and on (broadly speaking) *Christian churches, denominations and sects*. They have developed more or less extensive lists of indicators to measure and test the assumed decline, ranging from ‘belief’ and ‘beliefs and practices’ to ‘beliefs, practices and institutions’; the belief in God and the respective canonized ‘*Glaubensartikel*’ or dogmas; Christian baptism, weddings and funerals (collective rites of passage); attendance at services and

¹⁶ Casanova’s approach is preferable to the attempts by Wallis and Bruce, Wilson, Dobbelaere and Hervieu-Légér (see criticism by Koenig, 2003, pp. 66f).

other collective cults and rituals; praying, grace at meals and other religious practices at home or in private; membership, adherence and identification with an organization; financial support, relative number of religious professionals, etc.¹⁷ In addition, they have studied variations in all these regards according to independent variables, such as generation, class, income, education, gender, ethnicity and cities/countryside.

Whether subordinate ‘*folk religions*’ – animistic, magic, polytheistic beliefs and practices, like the veneration of saints and holy Mary that are seen as ‘paganism’ from the standpoint of Christian, particularly Protestant churches¹⁸ – declined or continued to prosper is usually not analyzed either because it is completely neglected or because of the known difficulties in measurement, assessment and comparison. Judaism, Islam, Hinduism, Buddhism and other ‘high religions’ within Western states are often lumped together as ‘*other religions*’. Even strong defenders of the decline thesis admit that their development does not fit the picture – as a consequence of immigration and not so much of fairly marginal conversions – but they rescue the thesis by claiming these immigrant religions are ‘pre-modern’ or ‘traditional’. This move is clearly more difficult regarding the newly developing ‘invisible religions’, the ‘*new age of spirituality*’ and strong evangelical revivals *within the ‘West’* that are at odds with the original decline thesis.¹⁹ On a *global scale*, the decline thesis is so obviously at odds with all evidence that its defenders have to resort to the most simplified version of ‘modernization’ theory declaring the ‘Rest’ as pre-modern or ‘modernizing’.

Even if one confines the thesis to mean the decline of Christian church religions in the West, defenders have to deal with the *anomaly of the US*, the country that seems to be the most ‘modern’ of all Western societies, and paradoxically also the most Christian and the most religiously diverse. The decline thesis, *prima facie* at least, does not seem to cover the ‘West’ but only *Europe*. American exceptionalism has been traditionally explained by the absence of an established church²⁰ and fierce competition among all denominations.²¹ Bruce (1992) has discussed the tension between two competing views of the consequences of religious diversity for the plausibility of religion, to wit the thesis that 1) religious pluralism threatens the plausibility of religious belief systems by exposing its human origins and that it makes religious belief a matter of personal choice rather than fate (Peter

¹⁷ See Crouch, Hervieu-Léger, Madeley and Bouma. (Western) European societies are characterized by comparatively high degrees of ‘decline’ in ‘belief/practice’ and belong to but vary significantly from the pole of East Germany (formerly the GDR), followed by the Czech Republic and Scandinavian countries to the other extreme of Ireland and Poland. In addition, we see comparatively higher levels of individual religious beliefs: “unchurching” or “believing without belonging” (Davie and Hervieu-Léger, 1996; Willaime, 2004, pp. 334f) rather than secularization (Casanova, 2005).

¹⁸ If one makes high religions, religions of the book or Christianity an important “agency of secularization” (Wilson, 1992, p. 208), then ‘secularization’ loses any specific meaning and is confronted by similar problems like ‘rationalization’ (remember that Max Weber saw magic religions already as ‘rationalizations’).

¹⁹ The less organized and the more informal, spontaneous and ‘subjectivized’ these religions are, the less visible they are also for sociologists even trying hard (but see Woodhead and Helaas, 2005; Woodhead, 2010). Their empirical importance, however, should certainly not be overestimated (see the criticism of Kendal by Bruce, 2002).

²⁰ See Casanova (1994, pp. 29, 214); Robertson (1987, pp. 5ff); and Kalyvas (1996, pp. 6f); vs. Rooden (1996), Eisenach (2000) and Keane (2000).

²¹ See Stark and Iannaccone (1994), Iannaccone (1990), Stark, Iannaccone and Finke (1996), and Gill (2001) from a neo-institutionalist economic perspective (the free market governance of religious diversity), but also Martin (1978, 1990, p. 21), and others.

Berger and others); and the competing thesis that it 2) “strengthens the appeal of religion by 2a) ensuring that there is at least one version to suit every taste; 2b) preventing the institution from being compromised by associations with ruling elites (opponents of ‘establishment’ tend to ‘generalize their rejection of the politics of the establishment from the dominant Church to religion in general’ [p. 171]; and 2c) forcing suppliers to be more responsive to potential customers” (p. 172). Instead of trying to reconcile the two views, like Martin and Wilson, Bruce contends that “they too readily accept that the USA is a major anomaly”.²² If one makes “legitimate comparisons” – taking smaller regions or states within federal republics or supra-state polities as units – one can show “that the contrast of [a] stagnant and bankrupt establishment in the old world and vibrant lively dissent in the new is an unhelpful caricature”.²³

Legitimate or appropriate comparisons are important also in two other regards. First, what is the *point of departure* of the assumed ‘decline’ of religion? The implicit assumption of a golden age of (Christian) religiosity in the Middle Ages (Hornsby-Smith) or in “past ages” (Wilson, 1992, p. 207) is forcefully criticized.²⁴ Second, if one compares organized religions not with a nostalgically idealized past but with *contemporary competitors* like ‘humanist’ organizations and secularist counter-organizations, with political parties in particular, the decline of the latter “has been far more severe than anything suffered by the churches. If the contest between religion and secularization is one between organizations and articulated systems of belief, then religion rules undisturbed. Its ‘enemy’ is not aggressive laicism but indifference” (Crouch, 2000, p. 273).

In the face of so much counter-evidence and so many counter-arguments, a *generalized* decline thesis seems hard to defend.²⁵ Then, the two obvious defense strategies are either to immunize the thesis against evidence by granting lots of ‘exemptions’ – around the globe, in the West, within Europe – or by insisting on ‘long-term tendencies’ of modernity against so-called ‘short-term’ counter-tendencies.

²² Crouch adds a further paradox: “We must also note that the two European countries which seem to provide most diversity, the Netherlands and the UK, are those with the lowest levels of adherence” (2000, p. 279).

²³ First, the US as a whole shows considerable religious diversity, “but large parts of it were and are religious monopolies or hegemonies” (Bruce, 1992, p. 173), with the factual ‘establishment’ of Baptists or Methodists in the south, Lutherans in the Corn Belt, local ethnic, immigrant churches and localized waves of evangelization. Religious diversity at the level of the nation-state is often not repeated at the state and local levels. Second, if compared with the UK, both Scotland (established Presbyterian Kirk) and England (established Anglican Church) showed considerable religious diversity and ‘establishment’ was often reduced to a legal fiction already in the 19th century, not implying actual domination. Third, the US had established churches at state levels and the UK had not one established church but a Presbyterian Church in Scotland, an Episcopalian Church in England and Wales and a very different one in Ireland. Fourth, more sensible units of comparison might be the US and Europe instead of the US and the UK. In sum, “the contrast between the extent of religious diversity of old and new worlds has been exaggerated, there were plenty of options available in the UK for those who wanted them, and the failure of the options to recruit and maintain numbers and adherents on the US scale cannot be explained by the absence of choice” (p. 188).

²⁴ Martin, Luhmann and Rooden have good reasons to make institutionalized structures and power asymmetries responsible for ‘high religiosity’. For exactly opposite reasons, see Gill (2001, p. 123).

²⁵ Luhmann’s criticism (“*nur quasi-sachlich deskriptiver Inhalt*”, 2001, p. 279) is clearly more convincing than Wilson’s claim: “secularization is merely the description, for which empirical evidences can be advanced, of a process of social change in which religion loses social significance” (1992, p. 209). Given the enormous complexity of types and forms of religion and of religiosity in the ‘West’ and on a global scale, and given the enormous variety of indicators to measure religious beliefs and practices together with the huge methodological problems in gathering reliable evidence, it is not surprising that no comprehensive comparative study is available even for the ‘West’ after more than 30 years of effort.

A simplistic and evidently normativized modernization theory then has to bear all the burdens of proof. Instead of replacing the decline thesis with a generalized counter-thesis that religions, like migrants, are here to stay or even that they have “more rather than less significance” (Robertson, 1987, p. 7 and 1992, p. 4), it seems more productive to *drop the thesis* and focus on the changing forms and types of religions and of religiosity under specific institutional conditions and in specific contexts. Many defenders of the other two understandings of the secularization thesis seem to accept this.

3.2 Individualization or privatization of religion(s)?

An essential part of the sweeping and general statements on complex structural change by the neo-classical sociology of religion – the cultural rationalization of world and self-concepts, the pluralization of religious frames, and functional differentiation, individualization of religious orientations and ways of life – has been the privatization thesis (Dobbelaere, 1992). The thesis is compatible with the decline thesis and with its anti-thesis, the revival thesis. Its central claim is not that all religious beliefs, practices and institutions are inevitably declining with modernization. Rather, they are being ‘privatized’ or (often uneasily synonymous) ‘individualized’ or ‘subjectivized’. The thesis seems to have a double meaning, with each sense being analytically separate but practically connected. First, it refers to the kind of religious belief and practice appropriate under conditions of modernity (or of ‘late’ or ‘post-modernity’): the core of the *individualization* thesis. Second, it claims that organized religions give up or have lost their ‘public’ roles (the most appropriate meaning of *privatization*).

3.2.1 Changes of religious beliefs and practices in ‘modernity’: ‘Individualization’ or ‘subjectivization’?

The concepts and content of presumed changes are ambiguous and contested; they actually cover many overlapping processes that are related but are analytically and also practically different. It is important to distinguish them in order to obtain clear descriptions of such debated developments as a global ‘neo-Islam’ of the young, even before we enter into normative debates of appropriate forms of governance. First, it is said that all religions under conditions of ‘modernity’ or ‘post-modernity’ eventually *lose their ‘collective’ (or ‘cultural’, ‘ritual’) dimensions* and would become ‘individualized’ in the sense that they all shift *from practice-centered to belief-centered* religiosity.²⁶ Second, it is said that they become increasingly *subjectivized* ‘religions of the heart’, focused on ‘expression’ and ‘authenticity’ (and this is related to the often claimed *shifts from practice and belief to identity*).²⁷ Third, it is said that religious belonging (belief and practice) is becoming *ever more*

²⁶ This is the core of Olivier Roy’s version of ‘global Islam’ (2002): the “*neo-Islam des jeunes*” is seen as completely “de-culturalized” and disconnected from all common, ritual practices, not just from ethno-national and territorial ones (see the criticism by Salvatore (2004, pp. 1021–24); see also Kepel’s (1996) version of a ‘French’ or ‘European Islam’ and the criticism in Bader (2011) with Bowen and Peter). With regard to *Judaism*, in the process of an ambiguous ‘emancipation/assimilation’, ritualism and traditional cultural practices have been seen as a burden, with the “true religion” being an “affair of sentiment, not of practices” (Salomon Reinach (1900), quoted in Jansen, 2006).

²⁷ See the short summary of the famous Berger and Luckmann thesis in Casanova (1994, pp. 35ff). In its ‘expressivist’ variety (self-expression, self-realization, narcissism and individual authenticity in the private

voluntary. It is becoming a matter of choice and not of fate.²⁸ And, finally, it is said that religious belonging is increasingly seen as a *contingent individual choice*.

Indications of such shifts are seen in the so-called ‘*Protestantization*’ of all old Catholic, Orthodox and Christian religions as well as in the changes of other ‘old’ religions like Islam, Judaism and Hinduism under ‘modern conditions’ or ‘in the West’, on the one hand, and on the other hand, in the revival of old (e.g. Pietistic, Methodist and particularly Pentecostalism – see Martin, 1990) and the rise of new ‘invisible religions of the heart’ and post-conventional ‘new age’ spirituality of all sorts.

Some sobering remarks seem in order here. Although selling Protestantism as ‘the’ modern Christian religion has a long history, it is clearly misguided, because Lutheranism and Episcopal Protestantism patently do not fit. Only an idealized version of Radical Protestantism could serve as a model. Furthermore, the idea of a religion that has lost all its collective, social and practical dimensions is an absurdity, because all human linguistic and cultural practices are inherently social (all meaning is social, after all, fully ‘private’ or ‘subjective’ languages are non-starters), and because belief without a certain minimum of shared attitudes and practices is a sham.²⁹ In addition, important as it is, voluntarism is always a matter of degree even under ‘(post-) modern’ conditions, and the idea that religious beliefs could be completely disentangled not only from ascriptive (racial, ethnic, national) practices but also from all cultural (e.g. linguistic) practices is a non-realist utopia even for the most universalist of all religions.

The hard core of the thesis then seems to be that religious belief and belonging is increasingly seen from the perspective of both believers and non-believers as a contingent, individual decision (the fourth meaning) mainly for two structural reasons. One is that the increasing (awareness of) religious diversity shows that belief, practice and belonging is not a matter of natural or supernatural fate but a matter of *personal choice*, “*une affaire d’option individuelle et non plus évidence collective*” [a matter of individual option, no longer of collective evidence] (Hervieu-Léger, 1986, p. 59).³⁰ Another reason is that as a consequence of the functional differentiation of systems and related role differentiation in modern societies, all individual inclusion decisions are seen as *contingent*.

Eventually, Luhmann considerably increases his critical distance from the ‘modern semantics’ of the “privatization of religious decisions” (1977, p. 232)³¹ and also of the ‘subjective’, ‘individual’, or

sphere, in free time) it is also fully endorsed by Taylor (2002 and 2007). The eventual absorption of practices and beliefs in identity claims is the distinguishing mark of most ‘post-modernist’ literature.

²⁸ See note 2 above on the shift in international covenants from classical, occidental definitions to more ‘primordialized’ or ‘culturalized’ interpretations of religions to protests against ‘ascriptive definitions’. Eventually, it is said, all religious believers would be ‘born again’, but here too it is crucial to distinguish between the impositions of such ‘(post-) modernist’ definitions (e.g. Smith’s version of Hinduism (1998), see also criticism by Galanter (1998, pp. 246f, 259) and the processes of religious change (e.g. Hindus in New York and the possible impact of these changes on the civilizational homes of religions – see Casanova, 2005).

²⁹ Asad rightly made this point. Even the informal communities of ‘new age religiosity’ are communities and non-direct interactions on the worldwide web form ‘Internet communities’.

³⁰ The intensified commodification of religion and competition among suppliers of ‘God’s biggest supermarket’ in American denominationalism may make this plain. It also may stimulate a mentality of ‘pick and choose’, of practicing religion à la carte and converting even all second-order preferences into private predilections (Wilson, 1992, p. 200; Dobbelaere, 1992, pp. 23ff) but this obviously need not be the case.

³¹ In 1977, Luhmann still spoke about ‘privatization’ (Luhmann, 1977, pp. 236ff). “For religion, privatizing means that participation in spiritual communication (church) as well as believing in belief become a matter of individual decision. It is recognized that religiosity can be expected only on the basis of individual decisions.

‘authentic’,³² clarifying that this structural relevance has to be understood as a principled recognition of the *contingency* of all decisions. This contingency of religious decisions has at least two important consequences. For a start, it creates new problems of *consistency*.³³ It also seems to favor *de-institutionalized* – or at least more weakly institutionalized – and *more informal, spontaneous, less hierarchical forms of religions*,³⁴ which cannot rely on existing, shared communal forms of life but need new forms of ‘community’. If this were actually to happen,³⁵ religions would lose the will and the organizational capacity to be represented in public and in selective systems of cooperation between governments and organized religions.

The interesting and controversial question is whether organized religions, like churches, can adapt to these new forms of religiosity or will only survive as a part of modern fundamentalisms.³⁶ Luhmann is fairly open in this regard and specifies some of the conditions of the former option. Organized religions “would have to accept the difference of believers, other believers and non-believers and to gain possibilities from this difference, from this otherness, to strengthen belief” (p. 317).³⁷ Like Casanova, Bouma and others, we believe that at least some churches are beginning to learn this

Whereas formerly unbelief has been a private affair, now it is belief” (p. 239, my translation). See Willaime (2004, p. 341) for a clear distinction between individualization and privatization.

³² They pose only “new puzzles”: “‘Private’ is, in any case, an unsuitable description since most religious practices are ‘public’” (p. 290). Religion is clearly no “private affair” (p. 289). The semantics of individuality or individualism signify a new kind of microdiversity, a “substrate that remains untouched” by the transition to the self-organization of functional systems (p. 291). The problem, however, is more serious. It rests “*im Umbau der Möglichkeiten, Bindungen darzustellen. Da in der Moderne immer mitbeobachtet wird, wie Bindungen beobachtet werden, ergibt sich unausweichlich das Zugeständnis der Kontingenz aller Festlegungen*” [in the reconstruction of possibilities to describe ties. The fact that in modernity it is always observed how ties are observed inevitably means the concession of the contingency of all fixings, emphasis added] (p. 292).

³³ If all religious decisions are seen as contingent, and if the traditional guarantee of consistency of beliefs by religious organizations, hierarchies, leaders and the legal establishment is vanishing, this creates new problems of consistency that cannot be solved by legitimizing religious commitments through individual religious experience and biography. “As a consequence of this bifurcation of the cultural supply of religions and personal belief decisions we can observe today a widespread incoherence of religious opinions” (p. 294, see Sciolla).

³⁴ “*Entkirchlichung*” [un-churching], “*Rückgang des organisierten Zugriffs auf religiöses Verhalten*” [the decline of the organized control of religious behaviour]. ‘Post-modernists’ like Robertson and Castells and ‘late-modernists’ like Connolly praise these trends without any hesitation. Luhmann is more ironic and careful. See also Müller (2005, pp. 49–53) following Gauchet.

³⁵ Obviously, the degree to which this is happening has to be empirically researched (see Fath, 2005 for Evangelical Protestantism in France) instead of taking the thesis for granted.

³⁶ Luhmann (2000, pp. 295, 315f): fundamentalisms of various kinds, revivalism, renewal of belief in “*sakrale Inszenierungen*” [sacred performances] and re-mystifications are, in their opposition to ‘secularization’, conditioned by secularization (see also Marty and Appleby, 1991). “*In der Form des religiösen Fundamentalismus wendet sich der moderne Individualismus (in paradoxer Weise – V. B.) gegen sich selbst.*” [modern individualism turns, in a paradoxical manner, against itself in the form of religious fundamentalism] Gill highlights the theoretical irony in this statement: “The primary explanatory variable proposed to account for decreasing levels of religions in society, is the same variable pointer for the increase of religious activism: modernization” (2001, p. 125 for a sharp criticism of the conundrums of “non-falsifiable ‘grand theorizing’”).

³⁷ “The question whether the idea of God as a ‘formula of contingency’ would be religiously acceptable or not” (2000, p. 316) is left as open as the possible future of churches (neither the rhetoric of ‘crises’ nor pessimism (pp. 317f), evolutionary change and the impossibility of seeing the future in a society in a process of radical change.

lesson. In addition, they self-reflectively resist the temptations of ‘privatized’ and ‘invisible’ religions. They are public and go public.³⁸

3.2.2 Privatization of religions?

The second meaning of the thesis – that *organized religions* have been forced to withdraw into the ‘private sphere’ or, like Methodists or Pentecostals, to voluntarily give up any ‘public’, direct ‘political roles’ – is partly based on the former claim that they (have to) respond to the structural change in individual religiosity in their internal structure and their external relations to society and the state. In addition, it refers to the differentiation thesis. If one understands the thesis as a generalized empirical description, there seem to be a number of counter-tendencies:

- i) The *cultural defense* thesis refers to majority–minority relations *within* states (Wallis and Bruce, 1992, p. 17f): “Where culture, identity, and sense of worth are challenged by a source promoting either an alien religion or rampant secularism and that source is negatively valued, secularization will be inhibited. Religion can provide resources for the defense of a national, local, ethnic, or status-group culture” (p. 17, with Polish, Irish and American examples).³⁹
- ii) The closely related *cultural transition* thesis refers to *immigrant* groups and to disruptions of the way of life of *traditional groups* through industrialization and urbanization: “Where identity is threatened in the course of major cultural transitions, religion may provide resources for negotiating such transitions or asserting a new claim to a sense of worth” (p. 18).
- iii) In both cases, religious beliefs and practices may not decline but be intensified (against the decline thesis), and they are certainly not ‘privatized’. Collective religious identities serve as markers of cultural difference, and less acknowledged, also as resources for organization and mobilization. Here, religious organizations are eminently ‘public’ and insist on their ‘public visibility’. The two cases also demonstrate that, under conditions of structural asymmetries of power between (religious or secular) majorities and minorities, individualization and privatization can be deciphered as strategies of predominant majorities to assimilate minorities under the guise of ‘neutrality’ and ‘modernity’. This ‘socio-logic’ of power asymmetries is

³⁸ Privatization, then, has to compete with the “deprivatization” of religion, seen as a repolitization of private relations and moral spheres, and as a “renormativization of the public economic and political spheres” (Casanova, 1994, p. 6; Willaime, 2004, pp. 328ff for France). Bouma (1999) distinguishes clearly between the issues of ‘going public’ or not and of ‘low versus high temperature’: going public can mean both moderate and fanatic. See also Taylor’s criticism of William James’ privatization thesis (2002).

³⁹ “The more socially peripheral and culturally distinct the region, the more likely religion is to provide a focus of resistance, particularly when language no longer provides a viable basis for the assertion of cultural difference” (p. 18). See also Martin (1978 and 1990, pp. 275f). See Casanova (2005) for a short criticism of general neo-Durkheimian explanations (Timothy Smith) of the presumed fact that immigrants are “more religious than they were before they left home” (Raymond Williams), neglecting i) minorization (religious identities as opposition to racialization, see Casanova (2005, pp. 12–14 and 24ff for the US)) and ii) the huge impact of different political opportunity structures (already highlighted by Herberg: why ‘Islam’ becomes different in the US ‘denominationalist’ structure, compared with Europe). See also Bader (2007, pp. 190–93) for the flexible relation between religion, language and ethnicity as markers of collective identity, organization and mobilization of minorities.

blatantly absent from most sociology of secularization.⁴⁰ The cases can also be extended to cover *international relations* between states and religious majorities and minorities under conditions of structural asymmetries of power in the global arena (religions and colonialism, imperialism, post-colonialism) where ‘individualization’ and ‘privatization’ fulfill the same or similar functions.⁴¹

- iv) In the two former cases, the privatization thesis may be defended by declaring the empirical phenomena as ‘exceptions’⁴² and the tendencies as “countervailing factors, sometimes generated by the same process of modernization” (Wallis and Bruce, 1992, p. 9 as a “multiply contingent process”) but still related to ‘pre-modern’ people or areas, or to problems connected with ‘modernization’ absent “in the long term” (p. 19) in fully modernized societies. As a result, the privatization thesis is again in danger of turning from a descriptive and explanatory into a strongly predictive and (implicitly or explicitly) prescriptive thesis. This is more obvious in the third case: ‘*American exceptionalism*’ defies not only the decline thesis but also the privatization thesis. Organized religions in the US are massively public and play an enormous role in politics in both the conservative and fundamentalist varieties so prominent in the ‘moral majority’ and the ‘neo-con’ communitarianism of the Reagan and Bush administrations,⁴³ and in the more decent variety of ‘public religions’, e.g. Murray’s version of American Catholicism. The right-wing variety marks “a break from recent trends in European Christianity”⁴⁴ that has clearly not been anticipated by secularization theorists.
- v) Conservative and fundamentalist Christianity can be seen as ‘anti-modern’ reactions against ‘modern contingency’ in order to rescue the privatization thesis, but this strategy fails with regard to trends among some non-fundamentalist churches that accept contingency and still play important public roles in the US, in Europe⁴⁵ and on a global scale. Fragile as such trends

⁴⁰ Also in Luhmann’s discussion; Martin (1978; 1990, pp. 275ff; 1993, pp. 118–20) is a laudable exception. The ‘socio-logic’ of power asymmetries (see Guillaumin, 1995; Juteau, 1999) is most visible in recent studies on ‘Islam in the West’.

⁴¹ See Asad (1993); Robertson (1987, strongly focusing on “constraints to formulate their own socio-cultural identities”); v.d. Veer (1997) (challenging the ‘Western’ bias of secularization theories). See p. 11 for ‘Pan-Islam’ as an attempt to reimagine the *umma* from a minority position (Mandaville, 2001, pp. 74ff) and for “[l]iving and revising Islam and the *umma* in diaspora” (pp. 114ff) from minority situations.

⁴² On the ‘transformation’ of Eastern European societies, see Offe (1994), and critical remarks in Spohn (2003), pp. 336ff). This strategy can be easily countered by the question of “when cultural defense and transition would not be an issue” (Rooden, 1996; Baumann, 1996).

⁴³ Wilson’s hunch that a moral majority would “effect little” (1992, p. 208) only demonstrates the poor predictive powers of standard secularization theory.

⁴⁴ See Crouch (2000, p. 280) (England “stands as a secular extreme contrast with the American case”).

⁴⁵ Where this public role is legally or even constitutionally acknowledged in different forms of “public recognition” in some countries. See Robbers for Germany (1995, p. 66); Pötz for Austria (1995, pp. 261f: “*Heute bringt die öffentlich-rechtliche Stellung weniger positiv-rechtliche Substanz als die Klarstellung, daß der Staat Religion nicht als Privatsache ansieht und der Privatisierung des Religiösen einen Riegel vorschieben möchte*”) [today, the public legal status bears less positive legal substance than the clarification that the state does not perceive religion as a private matter and attempts to prevent the privatization of the religious]; and Ferrari (2002).

may be, they have not been foreseen and are clearly at odds with the privatization thesis, as it is traditionally understood. To uphold the thesis then implies that the turn of a “testable and falsifiable empirical theory...into a prescriptive normative theory of how religious institutions ought to behave in the modern world” (Casanova, 1994, p. 38) grows even stronger.

In review, religious believers and practitioners may learn that their decisions are contingent, that they could practice other religions or none, without privatizing their religion. They may learn to react to ‘commodification’ by reflexively stabilizing their second-order preferences instead of falling prey to ‘consumerism’, ‘hedonism’ and continuous preference change. Organized religions may learn to develop as modern and public religions. Privatization is not a structural trend, dictated by ‘modernity’ but a historical option (Casanova, 1994, pp. 39, 215, 222) preferred internally by pietistic trends and religious individuation, and externally by liberal conceptions of the public sphere. ‘De-privatization’ may be a viable, modern historical option as well. The processes of modernization are more contingent than modernization theory traditionally admits, and modern state societies show more contingency and institutional variety than structuralist and functionalist sociology allow for. We claim that the *differentiation thesis* often stimulates a counterfactual and maximalist interpretation of ‘strict’ or ‘complete separation’ of state/politics from religion, which also has quite unwelcome normative implications.

3.3 Minimal or complete differentiation?

Some minimal threshold of functional, institutional, organizational and role differentiation among religions or between ‘the religious system’ and the other systems, and between organized religions and other organizations (particularly the state) is functionally required for modern societies (the hard core of the secularization thesis). Religions have ‘lost’ direct political control over state, society and culture,⁴⁶ ‘the’ economy, science, arts, law, politics, etc., and have gained ‘internal and lawful autonomy’ in those parts of the world where they once exercised these powers. States are and should be at least relatively ‘autonomous’ from ‘churches’ and churches from state control (the *twin tolerations* (Stepan, 2000) or *two autonomies* (Ferrari, 2005)). The labels signifying this differentiation – autonomy, control, freedom, non-interference and separation – may differ. As in other cases, however, differentiation, autonomy, control or non-interference is a matter of degrees on a scale from the pole of full or complete through ‘some’ to ‘minimal’ and to no ‘separation’.

The least demanding and most *minimalist* interpretation requires a *threshold of institutional, organizational and role differentiation* between ‘worldly’ powers, states, politics and leaders/politicians, and ‘spiritual’ powers, organized religions and religious leaders/specialists co-emerging with the historical development of these institutions and roles. This differentiation was characteristic for the *West* long before modernization or ‘secularization’ as, e.g. the protracted *Investiturstreit* in the Holy Roman Empire of German Nations clearly shows. It also characterized

⁴⁶ David Martin’s term “culturalization” of religions as a consequence of the loss of direct political clout is a much better term to capture these changes than ‘privatization’. Culturalization has to be clearly distinguished from privatization because obviously it is eminently ‘social’ (see below versus the traditional private–public dichotomy and the necessity to distinguish ‘state’, ‘political society’, ‘civil society’ and a sphere of ‘intimacy’). It is an important insight of Martin’s analysis that the ‘*depoliticization*’ of religion in this sense does not imply any loss of ‘*social significance*’. The processes of ‘*culturalization of religions*’ may even result in gains in more indirect political influence, as is clearly the case for the second (Methodist) and third (Pentecostalist) wave of Protestantism in the US and in the Americas, so brilliantly analyzed in *Tongues of Fire* (1990, p. 294 et pass).

non-Western states like the Ottoman, Mughal and Chinese empires.⁴⁷ Two broad comparative remarks seem appropriate.

First, religious *toleration* – minimally implying *limits to the attempted/actual control over religion(s) by states and by religions over states* – is far from being a Western invention. It depends on the character of the respective religions. Christianity has been historically certainly not among the tolerant ones but it has eventually learned from its mistakes wherever protracted warfare between intolerant religions/polities could not be won decisively.⁴⁸

Second, *state–church problems* as well as the urgent need to resolve them by *limiting attempted/actual control over the state by religions* only emerge specifically, especially in the Christian religious tradition, and this comparative insight is crucial for a sober discussion of recent, highly polemical accusations that Islam knows no ‘separation between church and state’. Here, applying Robertson’s theoretically guided construction to world religions is useful. World religions can be distinguished along two crucial axes: i) their “distinct” organizational structures, and ii) their inner-worldly versus otherworldly orientations. Christianity and Buddhism share diverging organizations (churches or *sangha*) keeping the “domains” of politics/state/politics and religion apart, whereas Islam and Hinduism do not have “distinct structures” (1987, p. 156) but rather “organic connections with society”. “In both cases ‘church–state’ problems do not truly emerge until something like the self-consciously secular state has been installed” (p. 156). Christianity after the incipient, early phase – coming to an end with the Edict of Milan in 313 and Justinian’s promulgations – and Islam are predominantly inner-worldly oriented (internally opposed by respective mysticisms), whereas according to Max Weber, Buddhism and Hinduism are predominantly otherworldly oriented. After the conversion of King Asoka to Buddhism in India, “Buddhism became embroiled in an Asian equivalent of the Western church–state problems, a circumstance which continues to the present day in the Theravada Buddhist societies of Sri Lanka, Burma, and Thailand” (p. 155). But even then the major contrast with Christianity is that “ideally the *sangha* (the monastic order) and political authority are separate domains” standing in a relation of “hierarchical complementarity” (Dumont) whereas in Christian contexts “church and state have frequently claimed jurisdiction over the same domains” (p. 155).⁴⁹

Achieving the minimal or threshold differentiation, for these reasons, has been mainly a problem for states in the Christian West. If one wants to call a state that is not controlled by religion a ‘secular’ state, then ‘secularism’ (or better, ‘secularity’) is certainly not confined to the West but it had to be,

⁴⁷ See Hirst (2001), Eisenstadt (2000), Asad (2003) and Bhargava (1998, pp. 497f, 511). See also Bader (2011) for ‘Islam’.

⁴⁸ See Bhargava (1998, pp. 522–25) for the historical origins of ‘secularism’, criticizing the *cultural inadaptability* thesis. In this sense, ‘secularism’ is certainly not confined to the West.

⁴⁹ See also Smith (1998, p. 187). Obviously, Japan (Shintoism) and China (the inner worldly, immanentist Confucianism) do not fit this pattern (see the short summary by Minkenberg (2003, pp. 116f). The historically contingent, not inherent ‘propensity’ of Christianity and Islam (to a comparatively lesser degree because church hierarchy is lacking!) towards ‘theocracy’ and ‘political fundamentalism’ clearly does not mean that otherworldly-oriented religions like Hinduism would be completely free of these evils, as the astonishing recent development of Hindu fundamentalism has painfully demonstrated. Comprehensive historical and comparative studies of the relationship between politics (including all different kinds of polities, not only states and empires (Eisenstadt)) and religions (not only world religions, including all different kinds and forms of informal and formal ‘organizations’ and not just churches, sects and denominations) covering all major religions and areas are still not available.

rather painfully, learned in the West.⁵⁰ A secular or secularist state would then mean a state that is increasingly ‘*indifferent*’ or (perhaps better) ‘*agnostic*’ with regard to competing and incompatible religious, metaphysical and densely moral worldviews: a ‘non-religious’, not an ‘anti-religious’, ‘atheistic’ state or a state that is ‘hostile’ to religions.⁵¹

The *minimalist* version of the thesis is almost universally accepted. The link of the thesis to ‘secularization’ and ‘modern society’, however, suggests two *more demanding interpretations*: either *fully autonomous functional systems* (or ‘spheres’, ‘fields’) like the religious and the political system and/or fully autonomous *organizations* (the famous thesis of a ‘*complete separation*’ of states and churches) and professionalized roles/activities. Many sociologists, particularly in the functionalist tradition, tend to seriously overestimate the autonomy of ‘functional systems’ and ‘organizations’ and to seriously underestimate the institutional variety of these ‘systems’. In this regard, it is quite unfortunate that Niklas Luhmann’s theory of functional differentiation of social systems also tends to misdescribe actual fields, organizations and activities in general, notably the relationship between the political and the religious system, the state and organized religions, though the general approach of an autopoietic systems theory would allow otherwise.⁵² On the one hand, Luhmann himself has pointed

⁵⁰ See Hunter (2009) and Saunders (2005) for the explicit statement of the legal and political framework of this minimalist threshold by lawyers and state-makers in Western Europe in the 16th century: the sovereignty of an increasingly religiously indifferent state to achieve civic peace in internal religious wars. It remains an open question, however, whether the term ‘secularist’ in this legal–political sense (see note 11 above) has already been applied to designate the state or whether, as we tend to think, this is a historical anachronism.

⁵¹ For a *perspectival, contextual theory*, then, the liberal-democratic state – *in opposition to politically fundamentalist religions* claiming control or jurisdiction over the same domain as the state – can be called a ‘secular’ state in the sense that the minimal threshold of institutional, organizational and role differentiation is guaranteed by the ‘two autonomies’ (religion not controlling the state and vice versa); see Ferrari (2005a) and also Bader (2010).

⁵² See Teubner (2002). See also the detailed criticism of Luhmann’s theory in Bader (2001, pp. 142–48) and also Mayntz and Scharpf (2005). Take ‘the’ economic system as an example: the actual global economy is insufficiently specified as a ‘market’ economy with ‘money’ as a medium and ‘prices’ as codes. Not even ‘unrestricted capitalism’ captures the actual institutional saturation of ‘the’ economy. ‘The’ economic system does not exist, not even globally. What we find are different varieties of capitalism, of stock exchange systems, differently regulated kinds of money and credit, highly differentiated forms of labor markets and labor organizations, etc. (see Hollingsworth and Boyer (1997), Whitley (2000)). The same is true for actual legal, political, educational and even science systems. This actual and continuing institutional variety – the impact of historical embeddedness and state policies – may be explained as a remnant, as not fully completed functional differentiation fading away, ‘in the long run’, with ‘globalization’, but then the debate on ‘convergence’ versus ‘divergence’ would be decided by *fiat*. In addition, functionalism would again shift from a descriptive or explanatory to a strongly predictive and prescriptive theory. Meanwhile, the functionally differentiated systems exist as *systems* in the plural, and actual state *societies* are more deeply moulded by state institutions, traditions and politics than the talk of one ‘modern society’ (singular) suggests. Problems like ‘garbage out’, exclusion, ecology and identity are therefore, contrary to Luhmann’s claim, not caused by the “logic of functional differentiation itself” (1997, pp. 162f, 629ff, 761f, 801ff). Rather they are caused by capitalist economies and the neo-liberal policies of globalization, by the absence of new modes of ‘governance’ (external (including state) regulations and internal self-regulations), and particularly by the acceptance of a specific version of ‘segmentary differentiation of the political system’ (the absence of not only a global state, but also of effective supra-national forms of governance). Modern societies are indeed “heterarchic and a-centric” without one “single steering centre” (state), but we have to take into account i) multi-level and multi-layered steering centers and new conceptions of ‘planning’, and ii) new ‘modes’ of governance. See Bader (2001 and 2001a); see also Braithwaite and Drahos (2000). Luhmann does not capitalize on his insight that “organizations are the only social systems able to communicate with systems in their environment” (1997, p. 842f), that the state in particular cannot easily be “attributed to a specific functional system” (see also Bader, 2001, p. 144, note 18

out that contrary to the other systems, the *political and the religious system* are not yet fully functionally, but *still segmentally differentiated: no world state and no world religion*. Here, the remnants of history seem to be lasting and this seems to allow for much more institutional variety. On the other hand, he makes more productive use of this insight in his discussion of the relationship between global society and global religions (plural; ongoing religious diversity and segmental differentiation) than in his analysis of the political system, and most disappointingly and unfortunate for our issue, of the relationship between politics and religion and more specifically between states and organized religions. The huge legal, institutional, political and socio-cultural diversity in the relations between states and ‘churches’ is blatantly absent from his sociology of religion.⁵³ This indicates that he too falls prey to a maximalist interpretation of ‘complete separation’ as a functional requirement of a ‘modern society’ and the only adequate institutional option for it.⁵⁴ But ironically, the design of his theory would allow other options in this regard.

In review, the differentiation thesis often favors a counterfactual maximalist interpretation of ‘complete separation’ and contributes to a neglect of the path dependency and institutional variety of the relationship between states and organized religions. Ideologized American separationism here, contrary to the first two meanings of the thesis, serves as the model of institutional secularization and of a fully modernized society. The ‘idealized’ institutional model, not the actual muddle of the US, seems to be the inevitable future for all modern state societies. Even authors who clearly recognize that institutional differentiation is not a unilinear, universal process with a known and fixed outcome are tempted to see ‘complete separation of church and state’ in the long run as an “irresistible, structural trend” in modern societies (Casanova, 1994, p. 213).⁵⁵

4. Conclusion

What are we to make of the secularization thesis after all this? Do we have to abandon the concept or can and should we retain it, and if so, in which meaning? For this discussion, it is useful to distinguish three different perspectives (Casanova, 1994, p. 20; Luhmann, 2000, p. 282f), more specifically the observations from the perspectives of i) religions (or ‘the religious system’), ii) sociology, and iii) normative political theory. Political theorists should also be interested in the first two, because the outcomes are directly relevant for normative and practical questions.

First, from the *perspective of religion*, it is perfectly legitimate to ask the question of “how religion itself sees its other side” (Luhmann, 2000, pp. 282–84) and to describe it as a ‘secular’ or ‘secularized

with references). Churches too are active in many systems (1977, p. 315; 2000, pp. 243f). For these reasons, we need not wait for an unforeseeable ‘evolutionary change of structures’ but can actually conceive remedies within ‘modern’ societies.

⁵³ See Luhmann (1977, pp. 282f and 2000, no separate chapter). In chapter 6 of Luhmann’s book, “Religious organizations” one finds helpful hints against common reductions of religious organizations to ‘churches’.

⁵⁴ This maximalist interpretation is stabilized by two counterfactual assumptions of his general analysis of functionally differentiated systems and organizations: their proclaimed *universalism* and the naïve trust that law alone would be sufficient to externally guarantee that organizations use their specific universalistic criteria of access (see the criticism in Bader, 2001, pp. 146f; see also Bader, 2007, pp. 82–66 for criticism of the – always pretended – ‘religious blind’ state).

⁵⁵ See Minkenberg (2000, pp. 11, 15) and even though more carefully, Martin himself. See also critically Marquand and Nettle (2000, p. 2) and Fox (2006, p. 563).

world' based on 'secular' communications, neglecting or (eventually) recognizing that "other observers may describe the same states of affairs differently". In this regard, it becomes obvious that religion and secularization form an opposition only in a religious context (p. 283). The distinction between 'religious' and 'secular' opinions, for instance, is important for religions but much less so or even not at all for democratic politics.

Second, from the *perspective of sociology*, the use of the concept generally seems to be rather counterproductive.⁵⁶ Moreover, the argument that we need a term to indicate and demarcate "the narrower area of non-religious social communication" (p. 282) is not convincing because we could call it just that: 'non-religious communication' instead of 'secular communication', a 'non-religious', 'un-religious' or 'indifferent', 'agnostic' state instead of a 'secular state', particularly if we distrust not only the decline and the privatization thesis, as Casanova does, but also the stronger varieties of the differentiation thesis broadly accepted by Casanova as well as Martin. Society, economy, science, politics and culture seem 'secularized' to different degrees, if observed from the perspective of (totalizing) religion, and this may be deplored as a 'loss' or praised as a gain in its 'real or essential' meaning. From a sociological view, the same process can be better described as gradual (*different degrees* of) institutional, organizational and role differentiation – and again, this may be praised or more critically evaluated. Furthermore, we can nowadays see more clearly that there is no need for an integrating 'meta narrative' or 'symbolic universe' – whether it is an overarching religious worldview (Crouch, 2000, p. 37f) or an 'immanentist metaphysics' (as proposed by Connolly, 2004) or a '*wissenschaftliche Weltanschauung*' [scientism]. Modern societies and modern conceptions of non-foundational and agonistic democracy in particular (Bader, 2007, chapter 6) can and should leave this centre empty. In addition, modern societies cannot and need not be morally integrated in any traditional sense (Luhmann, 1997; Bader, 2001, pp. 134–39).

Third, from the perspective of *liberal democratic politics and normative theory* (including constitutional law and jurisprudence), the important question is clearly not whether society and the state are fully 'secularized' or 'secular' and completely 'separated' from religions. For a start, we know that the *emerging 'secular' state* has *not* been a '*liberal*', *let alone a 'democratic' state* (see Hunter, 2009; Kaplan, 2009). In addition, this minimalist secular state certainly did not require or even presuppose any social or *cultural secularization of beliefs and practices*, it only required the taming of absolutist claims of religions regarding the state and the law. We all know many examples of *recent secular states* that have grossly violated not only minimal standards of liberal democracy but also of any minimal morality. Moreover, a more or less fully *culturally secularized society* – which can be found in some Western states (e.g. the Czech Republic, the Netherlands and England) –

⁵⁶ Unlike the concept of religion discussed above, the more productive alternative here seems to be elaborated by Matthes, Tenbruck and others: analysis of the everyday, the political and the scientific "meta-narrative of secularization", the conditions of the use and change of different varieties of such narratives, e.g. the "Discontinuity/Rupture", the "Continuity", and the "Transposition" narratives, and their impact on, e.g. politics (see the excellent Koenig, 2003, p. 70ff) related to models of political organization and policies of religious accommodation. This strategy is also followed by Casanova (2005) (as distinct from 1994), where 'secularization' is not only clearly distinguished from 'modernization' and all related connotations, but also from 'liberalism' and 'democracy'. This enables an excellent comparative analysis of different knowledge regimes in Europe and the US. In Europe, among both elites and ordinary people, 'normal', 'progressive', 'enlightened', 'modern' and the values of 'liberalism, universal human rights, political democracy and tolerant and inclusive multiculturalism' are intrinsically linked to 'secularism', actually identified with secularism (2005, pp. 7ff) resulting in "illiberal" and "intolerant secularism".

certainly does not require a ‘secularist’ state but a state that is ‘secular’ only in the minimalist sense of the *two autonomies* of state from church(es) and churches from state. Rather we should inquire which forms and degrees of differentiation are compatible with or most conducive to the principles and practices of liberal democracy.⁵⁷ From this viewpoint, the meta narrative of secularization is deeply misleading.⁵⁸ It should be de-linked from ‘liberalism and democracy’ (Casanova, 2005) and it should be replaced by ‘priority for liberal democracy’ or by “liberal–democratic constitutionalism” (Bader, 2010). It is not decisive whether a state is ‘secular’, but what matters is whether it is decent and/or liberal-democratic. It is not decisive whether communications, arguments and opinions are ‘secular’ or ‘religious’ but whether they are ‘public’ in a way that has to be critically specified.

⁵⁷ As we think ‘associational governance’ is, see Bader (2007, chapters 7–10); see also briefly Bader (2008 and 2009).

⁵⁸ In the context of Western state and nation building, it has been linked to the following conceptual dichotomies: religious/secular, religious/politics, private/public, heteronomy/autonomy and religion/reason (see Koenig, 2003, pp. 59–75) reproduced in liberal political philosophy (see Bader, 1999).

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Project Identity

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|------------------------|---|
| Title: | RELIGARE – Religious Diversity and Secular Models in Europe. Innovative Approaches to Law and Policy |
| Funding Scheme: | Collaborative Project (CP): small or medium-scale focused research project |
| Coordinator: | K.U. Leuven (Faculties of Law and Canon Law), Prof. Marie-Claire Foblets |
| Project Managers: | Dr. Jogchum Vrielink Dr. Myriam Witvrouw |
| Duration: | 1 February 2010 – 31 January 2013 (36 months) |
| Contact e-mail: | info@religareproject.eu |
| Short Description: | The RELIGARE project is about religions, belonging, beliefs and secularism. It examines the current realities in Europe, including the legal rules protecting or limiting (constraining) the experiences of religious or other belief-based communities. Where the practices of communities or individuals do not conform to State law requirements, or where communities turn to their own legal regimes or tribunals, the reasons behind these developments need to be understood. |
| Partners: | 13 (10 countries) |
| Consortium: | Centre for European Policy Studies (CEPS), Belgium Université Catholique de Louvain (UCL), Belgium International Center for Minority Studies and Intercultural Relations (IMIR), Bulgaria University of Copenhagen (UCPH), Denmark Centre National de la Recherche Scientifique: Politique, religion, institutions et societies: mutations européennes (PRISME), France Universität Erlangen-Nürnberg (UEN), Germany Università Degli Studi di Milano (UNIMI), Italy Vrije Universiteit Amsterdam (VUA), The Netherlands Universiteit van Amsterdam (UvA), The Netherlands Universidad Complutense Madrid (UCM), Spain Middle East Technical University (METU), Turkey Queen Mary, University of London (QMUL), U.K. |
| Website: | www.religareproject.eu |
| EC Funding: | 2,699, 943 € |
| EC Scientific Officer: | Mrs. Louisa Anastopoulou (Project Officer) |