

Can the post-colonial be post-religious? Reflections from the secular metropolis

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Abstract

If, following Masuzawa, Fitzgerald and others we assume that “the religious” is a category produced by Western colonial regimes in tandem with that of “the secular,” then consequently the post-secular would need to be post-religious, as well. Here I demonstrate how in one metropolitan case, Germany, the religious and secular divide is evoked to produce a particular exclusivist narrative of national identity. A substantial part of German civil society, media, and legal establishment mobilize an imagined culturally Christian vision of Germany in order to exclude from public visibility and political participation German born Muslims of Turkish descent. The colonial twin categories of secular-religious still operate in the shaping of the German polity. Decolonizing it would thus require not only to enter a post-secular dialogue with religious presentations in the public sphere, as Habermas contends; rather a post-secular polity would require the post-religious.

Keywords

Religion, politics, secularism

If, following Masuzawa, Fitzgerald and others we assume that “the religious” is a category produced by Western colonial regimes in tandem with that of “the secular,” then consequently the post-secular would need to be post-religious as well. Here I demonstrate how in one metropolitan case, in Germany, the religious and secular divide is evoked to produce a particular exclusivist narrative of national identity. A substantial part of German civil society, media, and legal establishment mobilize an imagined culturally Christian vision of Germany in order to exclude from public visibility and political participation German

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born Muslims of Turkish descent. The colonial twin categories of secular-religious still operate in the shaping of the German polity. Decolonizing it would thus require not only to enter a post-secular dialogue with religious presentations in the public sphere, as Habermas contends; rather a post-secular polity would require the post-religious.

In this article, I will argue that instead of simply opposing “the” secular and “the” religious we need to attend to their imbrications in the creation of modern state power. Here I follow Masuzawa (2005) and Fitzgerald’s (2000; 2007) insight that colonial politics produced not only the political secular but also the category of “religion.” Analyzing how invocations of secularity, cultural Christianity, and Islam operate in contemporary Germany allows us to see how the twin concepts of the “secular-religious” operate together in the projection of state power in a particular local context. Instead of large-scale formations of “the” secular we find strategic oppositions and realignments of religious and state institutions, as well as discourses that link national identity with cultural Christianity in opposition to Islam.

I will first explain why I chose post-unification Germany as a case study for how the secular and religious divide is invoked to produce state power. Secondly, I will argue that the German version of “secularity” does not constitute the emergence of a structurally independent private religious sphere in stark contrast to the spheres of the market or state. Rather, the German case highlights a complex intertwining of the state and traditionally privileged ecclesial institutions, like the churches, or newly privileged institutions, like Islamic or Jewish organizations. Thirdly, I will demonstrate that layered over this institutional web we find in the judicial system and in civil society a powerful discourse that marks Muslims as non-German “others,” thus creating a vague sense of German identity as culturally Christian identity. By controlling what type of religion is allowed into the public sphere (a certain type of cultural Christianity) and what type of religion has to be excised from it (Islam), the invocation of the secular-religion divide allows autochthonous Germans to limit access to the body politic. The institutional intertwining of state and religious institutions harkens back to the older exclusionary ecclesio-political arrangement of the German states; the mediatized production of the Muslim Other in turn links to older definitions of German identity as based on bloodlines and ethnic identities. The mobilization of the right kind of cultural religion in opposition to Islam allows Germans to gloss over the inherent contradictions of citizenship and national identity. At least they know that they are not Muslims.

This discussion shows that the opposition is not between religion and secularity in the abstract. Rather, the religious-secular divide is mobilized in order to exclude Muslim claims to full participation in the German body politic. In respect to Muslims, the German state presents itself as separate from Islam and at the same time related to Germany’s cultural Christian heritage.

The Post-Secular and the Post-Religious, Why Germany?

Mobilized by an organization called *Patriotic Europeans against the Islamicization of the Occident*, tens of thousands of Germans protest against the decay of what they consider European values.¹ While the protests are small in number and denounced to varying degree by the country’s political class, discursively the specter of radical Islam functions in Germany as a stand-in for Islam in general. Many Germans see Muslims of all backgrounds as silent “sleepers” of a radical Islam: Behind a moderate attitude, allegedly lurks in every Muslim the violence and irrationality that many Germans think is essential to Islam (Tezcan, 2000; Hohmann, 2007; Hüttermann, 2013). Even if Muslim women in Germany do not in

their religiosity from those of other migrants and even if they see Islam as a source of empowerment (Boos-Nünning and Karakasoglu, 2005), for decades the German media depict Islam as dangerous to women and opposed to German values of gender equality (Jäger, 2007b: 109).

This moral-religious panic concerning Islam involves a mediatized caricature of Islam in addition to a vague understanding of Germany as a Christian nation. For example in qualitative studies in working class neighborhoods, the sociologist Hüttermann (2013) found that Germans express their frustration of the growing visibility of Turkish Muslim neighbors in their quarter in religious terms. *They* want to have mosques and the only *German* spaces left were churches and traditional pubs. The Turkish migrants' claim to German public spheres elicited clear fears of cultural alienation and Muslim domination. In this setting, German identity is somehow culturally linked to Christianity, independent of the fact that Christian religious practices in Germany have experienced a long and sustained decline. In a country that is secularized by measures of participation in religious practices, a mode of cultural religion is mobilized to define privileged access to national identity.

This fact seems to run counter to Habermas's normative construct of the post-secular. While he does not give up the idea that liberal democratic processes can produce their own legitimacy and thus moral bonds, he fears that under the pressures of social atomization these bonds could disintegrate. Thus, his normative project of a post-secular polity requires a society to mine the repositories of morality and solidarity present in religious traditions. Instead of following Habermas's delicate program of mutual intelligibility and translation of religious claims into the language of secular politics, the current German political landscape seems to reflect more the insights of his opponent, Ernst-Wolfgang Böckenförde (1976). According to this pupil of Carl Schmidt, a liberal democratic state needs a form of national solidarity that precedes the bonds of affection created by procedural politics. Thus, from this Böckenfördean perspective a modern differentiated democracy requires indeed a cultural integration into a production of German identity. The questions of who belongs to the German nation and who does not fully belong are currently negotiated with reference to the opposition between foreign Islam and occidental autochthonous Christianity.²

The opposition between the secular and the religious implodes if the defenders of an allegedly secular German polity invoke the idea of a Christian German culture to position themselves against an allegedly radical and alien Islam. Thus, instead of simply opposing "the" secular and "the" religious we need to attend to their imbrications. The twin concepts of "secular-religious" operate together in the projection of colonial power. As we will see however, these twins continue to function as well in the establishment of an exclusive German national identity, thus stratifying this country's body politic. A truly post-secular polity would consequently be not one where we can carefully translate religious concerns into publicly accessible language, as Habermas has it, but one that has overcome the particular modern production of religion.

Before we proceed, let me explain why I talk about a European nation in this collection dedicated to the putative link between the post-colonial and post-secular. My claim is not that the Turkish population should be considered a post-colonial one.³ Rather, I am interested in asking what would it mean to de-colonize the German polity.⁴

Germany recommends itself as a site for a conversation about post-colonial and post-secular religion for five reasons: First, as we will see, the complicated nature of Germany's institutional arrangements helps us to break up the idea that we encounter a

single, unified secular in the metropolitan north. It can alert us to the internally fissured and contradictory nature of political secularism, thus pointing out the strategic quality of mobilizing a secular/religious or the secular/post-secular distinction. Second, *German* majoritarian society uses the secular/religious divide to construct Muslims, who have lived in the country for generations, as political and religious outsiders. Third, in this strategic use of the secular-religious divide, we see a repetition of a German mode of dealing with “others” in their midst that the German sociologist Jan Hüttermann calls “assigning a place” (*Platzanweisung*) (Hüttermann, 2013). As J. Kameron Carter (2011) has argued by reading side-by-side W. E. B. Du Bois and Karl Barth, the strategy of assigning righteousness (here rational secularity with the right kind of religion) to oneself and unrighteousness (here dangerous religiousness) to others is part of the German colonial archives. Having lost his [sic!] colonies, the German imperial God-man now assigns the place of the troubling not-secular other to the Muslims in his midst. Fourth, we have to recall that post-war Germany attained full sovereignty only in the 1990s after the end of the cold war. In relationship to the global power of the U.S. Empire, German elites experienced and continue to express a mixture of resentment and admiration in their ongoing attempts at shaping political sovereignty in a post-cold world. These new modes of defining German sovereignty involve a discourse that blends references to secularity and religion. Finally, by retrenching German identity post-unification in a Christian religious culture, the new Germany can both exclude the experience of the mostly non-religiously affiliated East Germans and connect with its historical pre-World War and pre-Nazi roots. The mobilization of cultural religion allows therefore a tiered understanding of German identity: truly German are those from the capitalist West with access to some form of cultural Christianity; less German are those from the socialist East; even less German are the migrants from pockets of German populations in the former Soviet Union; and not German are the descendants of Turkish migrants who may be born in the country but who are placed under the rubric of Muslim (and thus alien) other.

What makes a Secular Polity?

To begin this inquiry we need to consider in which sense Germany could count as an example of a state where political legitimacy is mainly “secular, rational, and pragmatic,” to evoke the language of political theorists Cady and Simon (Cady and Simon, 2007: 4).

The sociologist Casanova (1994: 7) showed already in 1994 that the single term “secularization” does not reflect a unified socio-political process. First, secularization of civil society can be understood as a decline in traditional practice or as a decline in endorsed beliefs. Yet, empirical studies show that Christian beliefs and practices have not significantly declined in the U.S., and they are surprisingly resilient even in Western Europe (Bertelsmann, 2007). For example, a total of three quarters of Germans still maintain membership in a religious community. For tax purposes German residents have to declare to which of the officially recognized ecclesial organizations they belong—or whether they belong to none. Changing this declaration requires them to appear in a court of law. In addition to publicly declaring in great numbers that they do belong to a church or religious organization, Germans in general demonstrate a significant religious competency to identify religious symbols, stories, or ritual and to “integrate them practically into their lives.” Participation in certain practices, such as attending weekly religious services, may have declined dramatically in Germany, yet religious concepts, beliefs, and ideas are still part

of how Germans live their lives (Nassehi, 2007: 119). Thus, it is questionable whether German society is secularized in this particular sense.

Secondly, secularization of civil society can be understood as a process by which modern governance proceeds without recourse to traditional Buddhist, Hindu, Christian, Islamic, etc. practices and symbols. Instead of providing political legitimacy these religious practices and symbols are pushed into the sphere of the private—as states of interior beliefs or as practices relegated to the space of the family.⁵

Casanova's (1994: 220, 233) *Public Religions in the Modern World* famously challenged this form of the secularization thesis by arguing for a "global process of de-privatization" of religion. Indeed, far from turning into "invisible religion" as the English title of Thomas Luckmann's (1963) *Das Problem der Religion in der Modernen Gesellschaft* implies, religion in Germany has remained rather visible in the public sphere and in politics. It may be true that what many scholars of religion call "soteriological" religion has turned into a matter of individual consumer choice without importance for the functioning of the state. Yet, as Habermas's new interest in mining the moral resources of religious traditions for the maintenance of political solidarity shows, the pressures of European integration, globalization, migration, and German unification can lead to what Casanova (1994: 37) calls "a Durkheimian crisis of social integration." Thus, pace the predictions of Nicklas Luhmann's systems theory, even in states with modern differentiated societies, the need for communal religion can persist. So the question is whether and how—after the processes of social differentiation—religion contributes to the shaping of the German body politic.

As I will argue the continued presence of religion in civil society has profound political implications and destabilizes the idea that the privatization of religion leads to a lack of religious involvement in politics. Indeed the German case can highlight the fact that "religion and politics keep forming all kinds of symbiotic relations" (Casanova, 1993: 41). Thus, it requires a modicum of forgetfulness to claim that German religion has been privatized if—like me—one's assigned state-run elementary school was denominationally segregated. One side of the school building housed a publicly run Catholic school, the other a publicly run Protestant school. The schools were on different schedules and run in strict separation. There was no religious mixing for us in the public space of our state-run elementary school. The broader point here is that public education is a place where the German state shows its interest in organizing its citizenry according to categories that reflect both "private" denominational choices and "public" structures of governance. Children are slotted by the public education system into the relevant schools as a consequence of their parents' choice to declare a confessional identity for tax purposes. Only recently have a few German federal states made efforts to establish a school choice for Muslim religious instruction (Henkes and Kneip, 2009).

What is allegedly a private confessional choice intersects with and is molded by the German state's exercise of what is called in the German tradition of political theory going back to Samuel von Pufendorf the *jus circa sacra* (i.e., its right to organize the religious life in the body politic). As we will see later, the public educational system is a particularly sensitive area where the member states of the Federal Republic of Germany exert their power to shape what counts as state-supportive religion.⁶ This claim to the *jus circa sacra* is not a phenomenon relegated to the German past, from Prussia's Frederick Wilhelm IV construction of state-supportive Pietism to Bismarck's framework of state controls over religious education (Moltmann, 1986). Rather, to this day the German states claim in various forms this right.

At the same time, the contemporary German federal states also hold onto their *jus in sacra*, that is the right to influence the organization of religious communities, by, for example, demanding a partially state-controlled academic education of religious functionaries. Priests and pastors of the state-supported ecclesial communities are required by law to have undergone academic training at a publicly licensed university or college. Currently, various German states aim to build a similar program for religious functionaries in Muslim communities.

Talal Asad's (2003) notion of "political secularism" allows us to extend the analysis of how these rights are exercised beyond the sphere of the legal alone. Following Asad we can focus on the variety of disciplinary mechanisms by which a state regulates religious life (Mahmood, 2010). Importantly for my argument, the state disciplines religion not only through the judicial system but also through other elements in civil society, like mediated discourse. As a consequence, allegedly personal choices of religious observance happen within a wider discourse of what counts as acceptable religious practice.

In sum, far from being relegated to a private sphere of individual soteriology the governmental organization of religion in Germany intersects the private and the public spheres. This point comes to clearer relief if we focus not on individual's beliefs or practices but on the institutional arrangements between state and church-institutions.

In Germany, some religious communities are granted particular communal rights, which makes this type of "secularism" perhaps somewhat similar to that of an idealized Indian version (Bhargava, 2013). Certain hierarchically structured communities with clear membership conditions receive a semi-state-like legal status. As corporations of public law these organizations function not like civil organizations but like state agencies, enjoying privileges in employment and property law for example. Moreover, depending on the majority in a given municipality, Catholic but not Protestant holidays (or vice versa) are officially acknowledged as days of rest, and government offices as well as private business are closed. As I just have mentioned, the state, in cooperation with ecclesial authorities, controls the education of pastors and priests; the state also pays a substantial part of their salaries.

I mention these points to highlight a fissure in a third understanding of secularization, one that Casanova thinks is more viable than the previous two: secularization understood as the differentiation of independent secular and religious spheres. As the secular spheres of the market and governance emancipated themselves from the influence of ecclesial institutions, an independent religious sphere arose, or so the story of this type of secularization goes.

In fact, what we see in the German case is a complex differentiation and integration of state institutions and first and foremost Christian organizations but also of Jewish and, most recent and with contestation, Muslim organizations. In a movement of differentiation, state institutions take over responsibilities that were once in the hands of churches alone; yet in a movement of integration ecclesial institutions are also organized in line with categories of a religious governmentality that in turn were shaped by ecclesial organizational structures.

Thus, instead of witnessing the emergence of structurally independent private religious and political spheres we see a complex relationship between the states and traditionally privileged ecclesial institutions, like the churches, or newly privileged institutions, like Islamic or Jewish organizations. In particular, the German political public sphere is

constructed through a web of legal as well as customary arrangements between state and “ecclesial” institutions in the widest sense.⁷ Thus, we need to analyze how interconnected are the modes of production that establish the differentiated spheres of religion and the state. In order to understand how modern religion is produced as state-supportive religion we need to pay close attention to how the secular-religious binary is mobilized in a particular state.

These considerations of Casanova’s third sense of secularization bring again to the fore the problem of what constitutes a “secular state” in general. If, as in the case of Germany, a secular public with a secularized civil society in the heart of secular Europe is structured by a network of Christian, Islamic, and Jewish communities with semi-state legal status the question arises: what constitutes a secular state in the global north?

The sociologist Ahmet T Kuru (2007) differentiates between the following four categories: (1) religious states, like the Vatican and Iran; (2) states with established religion, like Denmark or Great Britain, which officially favor one religion; (3) secular states, like Turkey, France, and the US, which officially favor no specific religion, and (4) anti-religious states, such as China or North Korea. Especially noteworthy is how Kuru defines the dividing line between religious and non-religious states. While legislative and judicial actions are “religion-based” in religious states, they are non-religious in secular states.

How do we, however, classify the cases that Chatterjee (1993) in *The Nation and its Fragments* or Tambiah (1992) in *Buddhism Betrayed* analyzed? Here legitimate political authority is situated in the people conceived as forming the Indian or Sri Lankan nation. The particular identity of each post-colonial nation however is produced with recourse to a repository of pre-colonial texts, symbols, and practices that are reorganized under the pressures of colonialism, anti-colonial resistance, and post-colonial nation building. As both authors demonstrate, a decidedly modern Buddhism or Hinduism creates the new middle-class citizenry with new structures of mobilization and loyalty as the center of political action and legitimacy. For example, Tambiah demonstrates that a pre-colonial regime, in which royal Sri Lankan power legitimated itself with recourse to the king’s dialectical relationship of being protector and patron of the Sri Lankan Theravadin Sangha, were replaced with a new post-colonial politico-modern Buddhist regime. Part of this new arrangement is the creation of modern Buddhism. In sum: where a royal politico-Theravadin regime was, a new political Buddhism appeared.

In these post-colonial contexts, we see as a stunning variety of political arrangements with new and hitherto traditional cultural and economic elites, with Buddhist, Hindu, Islamic or Christian renewals. Thus, I wonder whether we can really speak of a coherent phenomenon of a singular political secularity, even in “idealized” models or as doctrines of secularism (Warner et al., 2010: 27; Bhargava, 2013: 72). This question arises not only for post-colonial states but also for states from the colonial center, as we have seen. They, like Germany, do not provide a clearer version of either secularity or of secularism. Germany’s complex institutional arrangement also makes one wonder whether its legislative and judicial action is religion based or not, to invoke Kuru’s definition.

In other words, our examples drawn from the global south and north show that the category of “the” secular is not fully coherent but dependent on local contexts and political ends.⁸ To clarify this point let us now revisit the issue of legitimizing political actions in allegedly secular states with a particular focus on how the invocation of “the” secular functions in the German case.

Religion and the Legitimization of State Power in a Secular State: Germany

Religion and the Judicial System

A minimal definition of secular governance could be Norris and Inglehart's (2004: 8) claim that in such regimes governmental actions are not legitimated by "ecclesiastical institutions, and hereditary rulers claiming authority from God." Yet, let us consider how ecclesial institutions are interlaced in the formation of the German public. The details of creating legitimacy of political actions in Germany, as we will see, does involve a public sphere that is culturally and institutionally influenced by organizations representing various socially accepted religions. This outcome weakens the plausibility of Kurus' definition of a secular state as one where legislation is not religiously legitimated. To the degree that civil society is infused with and productive of religious practices, ideas, and symbols and to the degree that political legitimacy relies on political and cultural processes in civil society, these religious elements will influence legal, executive, and state actions. We will see this more clearly when we now turn to consider how the German state assigns Muslims in Germany the place of not-secular outsider defined by irrational religious political ambition.

One example of this is found in a case that came in front of the Bavarian Supreme Court in 2007. The court considered the following question: Does it constitute undue discrimination against Muslim public school teachers that the Bavarian state prevents them but not Roman Catholic nuns from wearing an item of religious garb, namely a head-scarf, while on duty?

Similar questions had been working through the courts and legislatures of the various German states since 1998 when, at the beginning of her career as a civil servant and educator, Fereshta Ludin requested to be able to veil during her work as a schoolteacher. It is noteworthy that in the 1980s courts had established the right of Muslim women to wear a veil in photographs used for drivers' licenses or national ID cards (Henkes and Kneip, 2009: 1). But with changes in citizenship laws and the economic advances of the second generation of Turkish migrants born in Germany, now Muslim Germans had access to positions as civil servants, such as public school teachers. Beverly Weber (2012: 106) points out that the German debate about the "problem of the veil" surfaces at just the time when Muslim women claimed middle class employment at the center of society. In other words, the wider public was unconcerned if cleaning women wore veils at work. These women were invisible. However, with increasing claims to participation in German society Turkish-Muslim "Otherness" and the veil springs up as a trope shaping public consciousness.

Ludin's request to veil while teaching was promptly denied and consequently she was disbarred from working as a teacher in the public school system of her home state. The resulting legal struggle lasted until 2003 when the Federal Supreme Court heard her case and ruled that Ludin had been wronged because the limitation of her right to exercise freely her religion had been grounded only in an executive action. Such limitations required however a specific act of parliament. To design the required laws, the Federal Court told the various parliaments of the country that they could consider banning a headscarf if other constitutional values are at stake. Examples are: a state's own educational interests or the right of pupils to be free from religious coercion. The judges also allowed the argument that the headscarf could *possibly* cause a disruption of the school environment—presumably

because pupils would react strongly to a putative message that wearing a veil allegedly implies (Henkes and Kneip, 2009).

Consequently, a number of states, including Ludin's home state, hastened to adopt laws banning their civil servant teachers from veiling with the argument that doing so would contravene the state's educational interest in preserving their specific cultural and religious heritage.⁹ Some commentators argue that the framework established by the Federal Supreme Court does not allow for the privileging of one religion over another (Henkes and Kneip, 2009: 14). Yet, this reference to cultural heritage resulted in practice to a two-tier system of religious visibility.

In this context, the Bavarian court ruled first that the scarf was indeed a religious symbol, one representing a particular kind of political Islam. It furthermore ruled that the Bavarian state was within its right to disallow Muslim teachers from wearing a headscarf, all the while allowing Roman Catholic nuns to teach in their religious habits.

The court reasoned that the message implied in the Roman Catholic garb was in line with the Christian Humanist foundations of the Bavarian state and that the state had an obligation to protect these foundations. While the government could not give preferential treatment to specific Christian denominations, the state nevertheless had a legitimate interest in incorporating into public school education the Christian "religious form of life and tradition of the Bavarian people." The court hastens to define the term Christian in this context as follows: Christian does not refer to the content of beliefs held by "individual Christian denominations but to the values and norms which, formed primarily by Christianity, became the shared cultural basis of occidental culture." (Verfassungsgerichtshof, 2007).

The property of "sharing the occidental Christian cultural tradition" seems independent from the property of "holding specific Christian beliefs." Thus we could conceive of a religious group that shares the cultural Christian foundation of the Bavarian state without being a Christian denomination itself.¹⁰ According to the logic of the Bavarian Supreme Court, the wearing of religious garb of certain Jewish religious groups, for example, could be considered to be permissible in the public school system, if these items of clothing pass the following test: they express attitudes that are in line with the Christian occidental tradition that is the foundation of Bavarian values and norms. Given how important the memorializing of the Holocaust is as a part of post-war Western German political identity, we can infer that Jewish groups are considered to be part of the state-supportive set of religious groups (Meseth et al., 2004). At the same time, we could also imagine a religious group that, while denominationally Christian, is not to be considered part of the occidental Christian culture upon which the Bavarian state is based.

Needless to say, the question arises of who decides what constitutes the scope of the Christian-occidental tradition upon which the Bavarian state is based. Who is competent to delineate the scope of this alleged consensus of values and norms of the occidental Christian culture? Since denominational adherence is not the defining character of what constitutes the kind of Christianity in question, it seems clear that this power does not simply lie with the various Christian denominations and their institutions. Yet, at the same time, the court assumes that this tradition is already there and not simply the product of its own making.

The concrete content of acceptable and unacceptable cultural religion is already given to the courts in the mediatised discourses in civil society. Before a case reaches the courts, civil society already "knows" what constitutes acceptable religion. Before we explore however the

role of civil society further, let me finish our discussion of the concept of “religion” used by the Bavarian court.

This example shows a peculiar conception of religion is operative in the German judicial system. Religion is both supposedly private and public. Certain religious symbols have to be kept private while others are part of the fabric of the state. The justices made clear that the state has a responsibility not only to follow the constitutionally guaranteed strictures of due process and equal protection but moreover to preserve the cultural foundation of the nation. Thus, a religious symbol representing the values of the alleged Christian occidental tradition upon which is founded the Bavarian state need not be fully privatized. Hence, Roman Catholic nuns are allowed to veil in the classroom. Moreover, a symbol is acceptable for public consumption if it is deemed to represent a value system in line with said Christian humanist tradition. Theoretically, this could be a yarmulke or a veil that does not represent so-called Islamism. In all of this, we see something like cultural Christianity delocalized from its original places of practice. At the same time, the cultural Christianity the courts assume to undergird the nation creates a horizon of expectation for acceptable religious practices in general within the German context.

This case shows an example of two important moments in the shaping of the secular-religious opposition in Germany today. First, through the judicial system, the state asserts its *jus in sacra*, i.e., the state requires religious practices and beliefs to be ordered in specific ways if these are to be allowed into the privileged space of public education. Second, the privacy into which the Islamic veil is relegated is not one of free and unencumbered religious exercise but rather a space demarcated from the normative and hegemonic German public.

Note that by penalizing the practice of veiling the state aims to penalize what it implies are extremist beliefs. This has to do with the coding of Islam in German public imagination. As we will discuss shortly, German media have consistently linked to radical Islam, the oppression of women, and illiberal values. The practice of wearing the veil is to be excluded from the German public sphere because it symbolizes the wrong kind of belief system. Thus, this type of demarcated privacy establishes no legal position from which to demand a right of free exercise of one’s beliefs.¹¹

The legal system appears here as “secular” because ecclesial institutions do not directly control it. No bishops sat in judgment over the Muslim teacher. Yet, *within its own rationality* the legal system finds the need to produce a particular normative religion that in turn aims to shape the allegedly private beliefs and practices of its citizens. This case thus supports Asad’s (2003: 182) claim that the legitimized presence of religion in the public sphere undermines secularity as characterized by an alleged separation of spheres.

We see here the contradictory nature of what I wish to call an instance of modern religion, i.e., of a discourse and practice that secular politics produce in one particular case. This modern religion is simultaneously public and private, a matter of cultural definition, yet also anchored in Christian tropes and theologies. Noteworthy is that this shaping of modern religion does not follow the script that many scholars have identified as the typical transformation of religion in modernity, namely the change from ritual- to belief-centered religion (Eisenstadt, 2004). Rather, particular beliefs and practices are under pressure to fit into a particular state-supportive imagination.

Imagining Germany and Religion in Civil Society

The beliefs and practices under pressure are in this particular case those of Muslims living now for two or three generations in Germany. No only state actors but also institutions in civil society shape what constitutes the properly religious and the properly secular (Mahmood, 2010: 293). For example, since the mid 1990s German mainstream media representations of Islam in Germany follow a persistent script. The Muslim woman is shown as both representing the threat of the migrant other and representing all women threatened by the patriarchal religious other. Religious otherness, ethnic otherness, and patriarchal oppression are all fused into the image of the Muslim woman (Farrokkzad, 2006; Jäger, 2007a). Whereas xenophobic discourse in the 1970s and 1980s was geared towards all migrants, independent of religion, now German identity is construed in opposition to a religious and cultural other. The Muslim other becomes the stand-in for everything non-German.

In German media, the veil then evokes a cluster of negative stereotypes, all of which are connected with the body of women: the Islamic woman as victim of a pre-modern religion and society (Röben and Wilß, 1996; Halm et al., 2007); Islam itself as pre-modern religion; Islam and violence; political Islamism. The veil thus condenses symbolically the other, Islam, pre-modern religion, and women (Schiffer, 2004: 34). The veiled woman thus serves as a *chiffre* that can elicit this network of stereotypes.

The *topos* of the veiled woman as threat to German identity, overlaid over that of the veiled woman as victim of Islam, appears widely in mainstream German media outlets (Farrokkzad, 2006; Wagner, 2010: 22). How this *topos* functions shows in a quick glance at cover stories appearing after 1997 in the left-center magazine *Der Spiegel*.¹² Here we see the following results: When the *Spiegel* runs a story about Muslims in Germany in 2003, the cover shows a veiled woman. When in 2007 the editors chose an image for a cover story about the Quran “as the world’s most powerful book” (sic!), they select a dark picture of a woman whose veil and reading posture obscures her face. When the magazine runs a story called “The Return of the Almighty” as part of the 2009 issue entitled “Who got the more powerful God? Christianity and Islam—the perennial conflict,” what kind of image represents Islam? One that shows a mass of praying Muslim women covered from head to toe in a white garb, some blurred by the movement of prostrations, a few with faces that are in focus. Incidentally, if, as in the issue of July 2012, the *Spiegel* wants to illustrate a story about “foreigners” as victims of violence perpetrated by right wing German extremists, they do not show veiled women. The veiled woman is the symbol for a specific form of threat to Germany and to German women but she herself is not symbolized as threatened by German violence. These are examples of images that show not only that Islam and veil are symbolically intertwined; they also present the Muslim woman in connection with Islamic power in competition with Christianity.

When Fereshta Ludin and other Muslim women desire to participate and engage in German public life they realize that their image precedes them. The associative chain that fastens the links between “being Turkish, a Muslim, being oppressed by religion, and presenting a threat to ‘Germans’” fetters women to their mediatized image.

Importantly, this visual trope in German media harkens back to older racist/colorist folk-ethnographies of what it means to be German. Here an important marker of German identity is not only skin-color but also religious identity. *Vis-à-vis* dark-skinned “Others,” German identity is linked to Christianity. A dark-skinned person can be seen as somewhat

German if she is considered to be Christian (Forsythe, 1989). Recently, Jörg Hüttermann (2013) demonstrates that the opposition between culturally Christian Germans and Muslim foreigners operates not only on the level of elite and media discourse but also among working class Germans.

Thus operative in the German case is not the overwhelming heritage of Christianity *per se* (Mahmood, 2010: 289). Rather, operative is a particular malleable use of historical or cultural Christianity for political ends. Religion as marker of otherness and identity allows Germans to assign themselves the place of dominant civilized culture and to assign Muslim Turks the place of religious and cultural other. From the Bavarian Supreme Court to working class neighborhoods the consensus seems to be that proper German identity requires proper religion, namely a form of cultural Christianity in opposition to improper Islam.

This analysis is supported by Foroutan's and Arnold's (2014: 27) most recent sociological study of German identity in what the authors call a post-migrant society. Again, we see that a substantial portion of Germans (37%) consider the practice of veiling as being incompatible with "being German." Roughly the same number of respondents think that "having German ancestors" is required in order to be German. The study's authors diagnose a tension between open criteria for being German, i.e., elements that can be taken up, learned, and adopted by newcomers; and closed criteria for being German, i.e., characteristics that defend an understanding of German national identity based on bloodlines and heritage.

The veil can cover both of these narratives of German identity. On the surface, it pretends to give Muslim German women the option of becoming fully German by adapting to majoritarian standards of German culture. By unveiling, they could join the German nation. Yet, the rejection of the veil covers the more deeply seated focus on bloodlines and the colorism that consistently from the 1970s onwards is part of the definition of who is and who is not German.

Yet, it is hardly easy to define membership of the German nation. Are Austrians part of it? What about the Germans who under the reign of Empress Katherine the Great (1762–1796) migrated to Russia? After the fall of the Soviet Union many of their descendants were given German passports and were allowed to move to a country whose language they mostly did not speak. What unites East and West Germans culturally or socioeconomically? Why were Muslim Germans who are born in Germany of parents who were born there only recently allowed to take up German citizenship?

The mobilization of the right kind of cultural religion in opposition to Islam allows majoritarian society to reject the claims of German Muslims with migrant backgrounds to be part of the body politic. Thus it is not surprising that a majority of those respondents who claim that being recognized as German is very important to them, favor restrictions on the building of mosques and object to teachers who veil. Foroutan and Schwarze (2014: 38f) rightly note that the move to disallow Muslims to participate visibly in the public sphere is a move to deny their full participation in the body politic.

Participation in this country's politic could be won by adapting Islam into the secular-religious regime, if other political needs make this necessary or desirable from the perspective of majoritarian society. Yet, decolonizing this particular metropolitan polity would require moving beyond this regime into a system of governmentality that produces neither secularity nor modern religion.

Conclusion

What can we learn from the case about how the secular-religious binary functions? In the German case we see that despite the modern differentiation of spheres, the German state and civil society use religion to police inclusion into the body politic. Full political participation requires adherence to a particular state-supporting religious discipline. The state grants civil and tax privileges to some religious organizations if they are organized and structured in particular ways; the state subsidizes the wages for priests, pastors or other religious functionaries if and only if they are educated at public universities according to state approved curricula; religious instruction in public schools is supported by the state and in turn requires teachers to be approved by both state and religious institutions. Enveloping this state action is German civil society. Here the right kind of autochthonous German identity is discursively connected with a form of cultural Christianity in contrast to a Muslim identity that is positioned outside of the body politic.

For an analysis of German religious politics in particular we can note the following: not all Germans have access to the pursuit of private soteriological goals unencumbered by state intervention and left to the integrative work or consumer choice of individuals. Rather, the religious expressions and choices of German Muslims happen within a discursive field that is heavily policed from the side of state institutions, state-like religious institutions, and media. Autochthonous Germans however have the liberty to align themselves with the cultural Christianity produced in courtrooms and media when needed without endorsing it for soteriological ends.

For a discussion of the post-secular in general, we can conclude that local contexts and strategic needs determine what constitutes a secular regime and what type of religion it includes or excludes. Consequently, we need to attend not only to the localized varieties of secularity (understood as a set of political institutionalizations) or of the ideology of secularism in general but in conjunction with them to the varieties of modern religion that particular regimes produce (cf. Agrama, 2014). This localization of the secular-religious binaries will, however, complicate our ability to talk about *one* singular secular regime, one intellectual horizon of secularism, or one singular secular social imaginary. Pushing back against this ideological frame would therefore require as well to overcome the secular-religious binary and to explore a theological discourse beyond religion. The post-secular thus requires the post-religious.

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Notes

1. The group is called PEGIDA, “Patriotische Europäer Gegen die Islamisierung des Abendlandes.” I owe a deep debt of gratitude to Vincent Lloyd and the reviewers whose critique and encouragement made this into a much stronger essay. All shortcomings are needless to say mine.

2. The particular construction of Islam as violent and alien, allows Germans to veil the contradictions inherent in the German national project. At a time when a fully sovereign German political identity is resurrected after the cold war, Germany is also integrated into the apparatus of the European Union (EU). Consequently, as Habermas points out, a vacuum of legitimacy opens up, since EU regulations are not the product of public deliberations. At the same time, the German unification, which economically and politically was a take-over of the Eastern part by Western German capitalism, poses the problem of how to imagine this newly sovereign Berlin Republic. In the midst of this, Muslim Germans of the second and third generation demand a visible place in the German public.
3. Here I follow Nikita Dhawan's (2007) critique that migrant populations in the global north are enveloped in structures of capital and should not be identified as subaltern populations.
4. While there has been attention to postwar German culture of memory and this country's colonial past, I want to examine how German politics are motivated by a lasting trope of putting the troubled and troubling other in place (cf. Schilling, 2014).
5. This is the understanding of secular politics operative in Cady and Smith's argument.
6. During the cold war, the fact that the German state actively supported churches and freedom of religious exercise was promoted as part of the anti-Communist rhetoric. Thus, the support of Muslim "Mujahedeen" in Afghanistan was publicized by the conservative German government as defending the German model of politics in support of religion.
7. Even if we were to assume that religion became a matter of inner beliefs and of family practices, we should note—as Veena Das (Das, 2006: 102) and Partha Chatterjee (1993) do for the colonial and post-colonial political spaces of modern India—that the practices of the family are highly political (and thus public). Chatterjee shows, for example, that a clearly gendered formation of a sense of Bengali political identity in the "private" household preceded the anti-colonial struggle for dominance over public political institutions, from newspapers, to courts, and legislatures. Women within the household became tasked with upholding the sense of virtue and spiritual superiority of Hindu and Indian culture whereas men were supposed to enter the anti-colonial struggle in the spheres of labor and education. Thus, what appears to be a private exercise of religion in the household is in fact part of anti-colonial politics. Lest we think that this politicization of religious privacy appears only in the colonial context, we should consider the case of conservative Christian marriage theologies in the U.S. Here allegedly private sexual arrangements are embedded and made intelligible within a decidedly theo-political discourse of female submission and male headship. The private and the public interlace each other (Viefhues-Bailey 2010; 2012). Thus, attending to the post-colonial details of family arrangements can help us understand the story of the secular not only in the global south but also in the European context.
8. I take license to connect these geographically different cases from Nikita Dhawan's (2007) insistence that the power structures of the colonial and thus the work of the post-colonial cannot be territorialized into separate national space. Rather, we have to see colonial, post-, and neo-colonial power as a trans-national network.
9. These are Bavaria, Baden-Württemberg, and North-Rhein Westfalia. Similar reference to the framework of occidental Christian values can be found in the various laws pertaining to education of the Saarland, Hessen, and Niedersachsen. In fact, only the laws in Berlin and Bremen are consistently religiously neutral.
10. As one reviewer of this article rightly pointed out, this verdict is a prime example of the kind of orientalism that Edward Said described. In contrast to German official attitudes towards Israel and certain Jewish religious presentations the persistence of anti-Semitism shows the problematic nature of the official embrace of Jewish life in Germany.
11. Certain fundamentalist Christian organizations, like the Twelve Tribes, are likewise under pressure from German secular-religious politics, particularly if they are identified as U.S. American Evangelical implants. The Twelve Tribes differ from our case in that they resist German public schooling.

12. The *Spiegel* is an important site of analysis and demonstration since it represents the center-left heart of German political media. For example, the sociologist Siegfried Jäger (2007a) uses this magazine extensively to establish what he calls the “Right-Center-Left” discourse in German politics. With a circulation of more than a million copies, the weekly is one of the most influential publications in Europe and reaches the heart of German politics. Politically the magazine represents Social Democratic liberalism as well as German constitutional patriotism. In the 1950s and 1960s, the magazine provided a platform for the post-war liberalization of German culture and politics. The editorial choices of this leading media outlet can therefore help us understand how Islam is seen and conceptualized in the mainstream of German politics.

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