INTRODUCTION

Religion has become a hot issue on the global political agenda. The world-wide rise of Christian and Islamic fundamentalism since the 1970s, the emergence of religious nationalisms in South and South-East Asia, and the intensification of ethno-religious conflicts after the collapse of the Soviet Union have seriously called into question conventional accounts of secularization. While the latter generally assumed that modernity would result in the functional differentiation and privatization of religion, if not in its entire decline, we today are witnessing a return of public religion or even, as German philosopher Jürgen Habermas put it, the coming of a "post-secular society"[1].

It is thus not astonishing that religion is currently receiving substantial attention in debates on immigration and integration policies. For a long time, and following mainstream secularization theories, policy-makers and researchers assumed that traditional and religious attitudes of immigrants would successively dissolve in the process of acculturation to industrial societies. Even within the policy framework of multiculturalism, where migrants' claims for recognition were taken more seriously than in the assimilationist model, the specifically religious dimensions of identity politics often tended to be ignored. Since the 1990s, however, scholars and politicians have become aware that religious practices and beliefs play quite a crucial role in the formation of migrant identities (notably among the second and third generation), of diaspora communities, and of transnational migrant networks.

Unfortunately, in the wake of the events of 9/11, terrorist bombings in Madrid, Istanbul, London, and Bali, and the slaughtering of film-maker Theo van Gogh, this new awareness of religious diversity in the migration field has become increasingly dominated by security issues and concerns over the containment of a perceived Islamic threat. This development moreover coincides with, and to some extent contributes to, a more general crisis of multiculturalism and a return to assimilation policies in many countries.[2] However, while religious violence clearly does constitute a new challenge to policies of immigration and integration, it would be highly misleading to subsume the governance of religious diversity under the fight against terrorism. As the various contributions in this magazine show, religious diversity poses substantial political challenges in their own right.

To better understand these challenges, it may be useful to step back from immediate policy concerns and adopt a broader historical perspective. In fact, the contemporary conflicts over the public role of religion have to be situated in the context of far-reaching transformations of the modern nation-state. The emergence of the modern nation-state in Europe had been premised on a breakdown of traditional bases of legitimacy and an increasing autonomy of political power vis-à-vis the Church. The charisma which in medieval Roman Christianity was invested in God and in the "spiritual" authority of the Church shifted almost entirely to "secular" authorities, notably to the sovereign territorial state as centre of active re-constructions of society. The state was now also seen as a focus for symbolic imaginations of collective identity, most notably under the impact of the English, the American and the French Revolutions in which political power became accountable to the "People" or the "Nation". Political organization and collective identity were thus sacralized and structurally coupled in the classical nation-state, a polity model which rose to world-wide prevalence in the 19th and 20th century. The sacralization and structural coupling of political and cultural collectivity strongly affected the public role of religions. On the one hand, the state gained control over practices and institutions which formerly were placed under ecclesiastical authorities, such as private and civil law, education, and science, and defined the limits within which religious organizations could exercise public functions. On the other hand, religious symbols and traditions were often drawn upon to construct national identities, while in turn religious confessions were semantically and institutionally nationalized. The separation of ecclesiastical and temporal authorities thus resulted in institutional arrangements of political organization, collective identity and religion which were far more complex than the self-perception of "secular" nation-states may suggest.

By the end of the 20th century, under the impact of various forces of economic, political, and cultural globalization, the nation-state has become subject to considerable transformations. The institutional coupling of political and cultural collectivity is particularly challenged by international migration, although cultural diversity is to no lesser degree accentuated by ethnic movements, indigenous peoples, and national minorities. Viewed in a long-term perspective, however, it is not only increased *de facto* diversity but also the normative appraisal of cultural pluralism that has transformed the classical nation-state. Thus, the transnational diffusion of ideas of human rights in

MATTHIAS KOENIG

Matthias Koenig is faculty member of the Department of Sociology at the University of Bamberg, Germany. He obtained a Master's and a doctoral degree in sociology at the University of Marburg. He was a Marie Curie fellow at the Institut de la Recherche des Sociétés Contemporaines (IRESCO), Paris, and visiting researcher at the London School of Economics and the European University Institute, Florence. His main research interests are sociological theory, sociology of religion, and human rights. He is author of several books and numerous articles in international journals, and editor-in-chief of UNESCO's International Journal on Multicultural Societies (IJMS).

the post-war period and their institutionalization in international organizations, both governmental and non-governmental, has firmly established a charismatic status of "universal personhood" to which rights are, at least in principle, attached independently from formal state membership or nationality. Furthermore, within transnational human rights discourse there has been a proliferation of new rights that clearly go beyond the classical European political tradition. The individual rights to equality and non-discrimination moved to the centre of human rights and were successively extended to collective and communal rights; to name just a few documents, the UN Declaration on the Rights of Persons Belonging to National or Ethnic Religious and Linguistic Minorities (1992), the UN Human Rights Committee's General Comment on Article 27 of the International Covenant on Civil and Political Rights (1994), UNESCO's Declaration on Cultural Diversity (2001), or the Convention on the Rights of Migrant Workers and Their Families (1990, entry into force 2003) oblige the signatory states to adopt a pro-active approach to promote the identity of ethnic or national, linguistic, and religious minorities – and of migrants – on their territory. As state membership, individual rights, and national identity are normatively decoupled, new categories of identity are legitimated and sanctioned in presumably secular public spheres, including religion. In this perspective, the contemporary politics of religious recognition are intimately linked with the transformation of the legitimacy basis of modern statehood.

Of course, the new politics of religious recognition are far from following a uniform pattern, but continue to be impregnated by country-specific social conditions. Typical immigration countries such as Australia, Canada, New Zealand, or the USA, which were among the early adopters of multiculturalism (on Canada see *Karen Mock's* contribution), provide rather different contexts for migrants' claims for religious recognition than most Western European countries. Nationality laws and naturalization rules also affect the impact of immigrants' claims-making in the religious field; that in European comparison, for instance, British Muslims enjoy relatively far-reaching liberties is not least due to the strong bargaining position of Pakistani and Bangladeshi immigrants who as former Commonwealth subjects were granted early access to full civil and political rights. However, apart from such well-known variations in immigration policies, citizenship regimes, and philosophies of integration, policy responses to religious diversity are equally affected by the institutional arrangements of political organization, collective identity and religion resulting from different historical paths of state-formation and nation-building. Church-state relations provide criteria for drawing the boundaries between the religious and the secular, and they store institutional templates of state interaction with religious minorities – in which majority religions, such as the Orthodox Church in Greece (see *Lina Molokotos-Liederman*) or the Lutheran Church in Denmark (see *Tim Jensen*) often play the role of a mediating broker, for better or worse.[3]

As the contributions to this magazine show, migrants' claims to religious recognition highlight that, in retrospect, political institutions and collective identities are considerably less "secular" and certainly less "neutral" than often assumed in the self-images of modern nation-states. Apart from post-colonial India (see *Jaishankar Narayanan*), most countries covered in this issue are historically mono-confessional or have settled their religious cleavages in a highly structured bi-confessional system, such as Dutch pillarization. In terms of conventional types of church-state-relations – separation, state co-operation with recognized religions, and state or national church – one therefore hardly finds a strict regime of separation; even under French *laïcité* does the Catholic Church enjoy certain privileges (e.g. subsidies for church buildings) that are called into question by immigrant religions.

Now, it would be false to conclude that accommodating for religious diversity requires a stricter separation of church and state. In fact, institutional arrangements in most countries today seem rather to converge around the three principles of individual freedom of religion, evenhandedness vis-à-vis religious communities, and a selective co-operation with formally or informally recognized religious organizations. Muslim immigrants in countries such as Great Britain or Norway have sometimes even argued that a modified state church system was preferable to secularist multiculturalism, since it principally acknowledges the public role of religion (see *Oddbjørn Leirvik*).[4] With respect to the Indonesian case, *Philip Buckley* similarly argues that long-standing traditions of plurality *within* Islam may lay the foundation for a non-secularist public sphere accessible to both the Muslim majority and religious minorities. Instead of simply turning to strict secularism, religious diversity rather requires highly context-sensitive policies within a human rights framework that simultaneously promote respect for religious differences and sustain a common public sphere open to both secular and religious world-views.

To systemize the policy challenges raised by the politics of religious recognition, I wish to distinguish four different types of claims-making.[5] Religious minorities can, first, contest the legitimacy of prevalent symbols of national identity and request liberties for the articulation of different religious identities. Claims for the toleration of religious dress-codes in the public sphere, of ritual slaughter, and of the muezzin call are examples of this type. These claims may give rise to substantive controversy in highly centralized states with an expansively defined public sphere, where religion as such is perceived as transgressing the symbolic boundary between the public and the private, or as polluting the sacred core of the nation. Recent French legislative prohibition of religious signs on public school premises is clearly a case in point. However, as such claims can easily be framed in the language of individual rights to freedom of religion they often go uncontested.

More demanding are, secondly, claims for tolerance or equal respect. Such claims call for a re-combination of the central symbols of national identity, e.g. by introducing holidays from different religious traditions in the national calendar. Pluralizing religious education may be another

example for such re-constructions of national identity. While some countries such as the United Kingdom, Denmark or Norway have tried to accommodate for religious diversity *within* the curriculum of Christian education, other countries have opted for separate religious instruction for immigrants; Finland, for instance, seems to have found a feasible solution for the teaching of minority religions (see *Pauliina Raento*). Though slightly different in focus, the German headscarf affair can also be interpreted in this context. At issue was the question whether a female school teacher, employed as a civil servant, may display her identification with Islam or not. While the Federal Constitutional Court framed the conflict in terms of conflicting constitutional principles (individual rights vs. state neutrality) and eventually upheld the claimant's right to religious freedom on formalistic grounds, public and parliamentary debate quickly moved to more substantial questions of German national identity. As *Robert Gould* shows, Germany's "Christian-occidental heritage" was mobilized to counter both secularism and multiculturalism. However, demands for religious tolerance have a rather strong legitimacy basis as they can be justified by fundamental human rights principles of equality and non-discrimination.

While such contestations of dominant symbols of national identity are well-known from multicultural identity politics, the particularly challenging character of religion for policies of immigration and integration lies in the contestation of secular authority. Thus, thirdly, faith-based communities may call for their own *autonomy* in organizational spheres of society, for instance by asking for religiously motivated exemptions from obligations within the state's educational system (e.g. co-education in sports), for the establishment of state-subsidized independent religious schools (see *David Seljak*), or, most notably, for the partial recognition of their own legal systems. Indeed, demands for multi-religious jurisdiction are perhaps the strongest challenge to the classical model of the sovereign nation-state. While legal pluralism has been quite common to post-colonial countries such as India or Indonesia, it seems hardly acceptable in most Western countries except for some limited areas in international private law and optional civil law. As *Matthias Rohe* stresses in his detailed legal review, the incorporation of shari'ah rules in British family law is rather exceptional within Europe and is strongly related to colonial history. Most Muslim representatives in Belgium, France, Germany, and Switzerland today wouldn't make demands for legal autonomy in the first place and clearly articulate their allegiance to the common legal system. The intricate problems inherent to any sort of multicultural jurisdiction are displayed in sharp profile by the Canadian controversies culminating in Ontario's recent rejection of faith-based family law arbitration, as analyzed by various contributors to this issue (*Marion Boyd*, *Beverly Diamond*, *Audrey Macklin)*. Apart from the specific problems of privatized, alternative dispute resolutions in family law and the potential conflicts between freedom of religion and women's rights, the controversies accentuate the difficulty of balancing the recognition of religious differences and the maintenance of a common public sphere in which universal laws apply.

The fourth and last type of claims articulated by religious minorities is aimed at gaining autonomous access to the organizational centre of society. Such demands for *full participation* in the public sphere may in some cases require reforms in the electoral system. New Zealand's introduction of Mixed Member Proportional (MPP), for instance, seems to have significantly contributed to a stronger representation of ethnic and religious minorities in Parliament (see *Peter Lineham / Paul Spoonley*). Yet, the major question raised by claims for participation concerns the communicative structure of public spheres in itself. To what extent do religious groups have to translate their beliefs into arguments of (secular) public reason? To what extent should adherents of secular public reason themselves engage in hermeneutically understanding religious beliefs? Is it true that "secularity is not neutral, but is another ideological viewpoint", as *Gary D. Bouma* claims in his contribution? Such are the questions which motivated Jürgen Habermas to argue that in "post-secular societies" co-operative modes of mutual understanding have to be found between the religious and the secular side. If churches, mosque associations, and temple communities contribute to a vital civil society, provide social welfare, sustain human solidarity, and promote the integration of ethnic groups (see *Paul Bramada*'s analysis of the United Church of Canada's Ethnic Ministries Council), their voice may legitimately claim to be heard, though not necessarily followed, in the public sphere.

Responding to religious diversity thus involves a complex set of policy decisions that bring to the fore a number of paradoxes and tensions. Finding a suitable balance between individual and collective rights, between strict secularism and non-interventional multiculturalism is certainly the most prominent one. While individual rights to freedom of religion are unproblematic in most of the countries covered in this magazine, their reaction to demands for collective rights and special treatment varies rather strongly, even if few countries seem to share the Norwegian emphasis on communal rights and rather follow the Dutch pattern of individual rights and equal treatment (see *Jan Rath*). Another, less obvious tension arises from the organizational models available for collective religious recognition, which, as *John Biles et al.* rightly stress in their contribution, tend to presume church-like hierarchies that run counter to contemporary religious individualization. The problems of founding representative Muslim organizations in Western countries are highly indicative for this tension. In Belgium, for instance, where Islam had been officially recognized as early as in 1974, the formation of the Exécutif des musulmans de Belgique proved to be rather difficult, due to repeatedly changing conditions imposed by the government, but also due to internal conflicts over the legitimacy of religious authorities (see *Corinne Torrekens*).

In sum, then, we may conclude that religious diversity in the field of immigration and integration poses challenges that are linked to structural transformations of the nation-state and require highly context-sensitive and

complex policy responses. That restrictive policies against religious communities, including non-violent fundamentalists, are counter-productive is evident.[6] As supported by evidence from Australia (*Andrew Jakubowicz*) and Canada (*Hussein Hamdani*), subsuming the governance of religious diversity under the fight against terrorism and aligning multiculturalism with Muslim fundamentalism, not only restricts freedom of religion but threatens the entire system of civil liberties. Within a framework of human rights, there ultimately seems to be no alternative to accommodating for religious diversity.

What remains an open question is how the human rights based governance of religious diversity can be reconciled with our understanding of democracy. Modern patterns of democracy from the Great Revolutions onwards were premised on precisely the structural coupling of statehood and national identity that is currently called into question. We still have not found viable models of associative or consociative democracy which, by contrast, allow the peaceful coexistence of a diversity of autonomous collectivities, including those based on religion, in a shared public sphere. It may thus be safe to say that the controversy over religious diversity will in the foreseeable future be with us to stay.

Notes

[1] Jürgen Habermas, *Glauben und Wissen*, Frankfurt a.M.: Suhrkamp (2001).

[2] See Christian Joppke, "The Retreat of Multiculturalism in the Liberal State: Theory and Policy", *British Journal of Sociology* 55/2 (2004): 237-257. It should be noted, however, that rising opposition to multiculturalism, as observable in Canada and elsewhere, is not consistently correlated with a growth in Muslim population (see *Jack Jedwab*, in this issue).

[3] On the Anglican Church see James A. Beckford, "The Management of Religious Diversity in England and Wales with Special Reference to Prison Chaplaincy", *International Journal on Multicultural Societies* 1/2 (1999), 55-66 (www.unesco.org/shs/ijms/vol1/issue2/art2).

[4] Tariq Modood, "Anti-Essentialism, Multiculturalism, and the 'Recognition' of Religious Groups", in: Will Kymlicka and Wayne Norman (eds.), *Citizenship in Diverse Societies*. Oxford: Oxford University Press (2000), 175-195.

[5] See also Matthias Koenig, "Incorporating Muslim Migrants in Western Nation-States – A Comparison of the United Kingdom, France, and Germany", *Journal of International Migration and Integration*, 6/2 (2005), 219-234.

[6] See UNDP, *Human Development Report 2004: Cultural Liberty in Today's World*, New York: UNDP (2004).