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ABSTRACT   In this article Blijdenstein introduces recent reflections on secular liberalism's treatment of religion and critically discusses those genealogical approaches that centre on uncovering the hidden theological roots of the liberal framework. The claim that contemporary liberal ideas on, for example, religion, secularity and tolerance are in fact 'Christian' or 'Protestant' comes with its own set of problems, as it hides from view the importance of the different political and historical contexts in which these categories have played, and continue to play, a role. Blijdenstein formulates three caveats on critiques that focus on the persistence of theological categories.

KEYWORDS   genealogy, liberalism, political theory, religion, religio-secularism, theology

Political theorists have only recently started to reflect on their use of the concept 'religion'.[1] They do so in response to critiques pointing out liberal political theory's unsatisfactory and partial construal of this concept. Many of these critiques draw attention to the specifically Western European historical trajectory in which a modern notion of religion took shape.[2] Reflecting on the concept of religion has thus led to an interest in the genealogy of

1   For a recent and influential rethinking of religion's place within liberal political theory, see Cécile Laborde, *Liberalism's Religion* (Cambridge MA and London: Harvard University Press 2017).

2   See, for example, Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore and London: Johns Hopkins University Press 1993); Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA: Stanford University Press 2003); Charles Taylor, *A Secular Age* (Cambridge, MA and London: Belknap Press of Harvard University Press 2008); Elizabeth Shakman Hurd, *Beyond Religious Freedom: The New Global Politics of Religion* (Princeton, NJ and Oxford: Princeton University Press 2015); and Winnifred

that concept and that of related liberal ideals such as 'toleration', 'freedom of religion' and 'separation of church and state'. Those who want to explore the historical lineages of such concepts central to contemporary liberal theory and practice often trace them back to the work of European Enlightenment scholars.[3] What I will argue here is that reflections on the concept of religion often focus on one aspect of the concept's construal, namely its theological —or, more specifically, Christian Protestant—foundations.

A genealogical approach to 'our' modern concept of 'religion' is frequently employed to make a claim about liberal democracy's dealings with religious groups and individuals. In its crudest form, the claim is that the supposedly *secular* way of thinking about and governing religion is in fact thoroughly *theological*. A version of this claim can be found, for example, in the work of Saba Mahmood, who analyses the workings of a modern right to religious freedom. She argues that a 'normative conception of religion' that 'privileges belief and conscience at the expense of practices, rites and rituals' informs the decisions of states and international courts when they balance the right to religious freedom with public order interests.[4] This conception is not only based on the distinction between belief and action, the *forum internum* and *forum externum*, but also on the difference between an interpretation of 'individual belief as an inner dimension of human consciousness and religion as a discursive tradition that undergirds the collective life of distinct communities'.[5] Defining religion as a matter of individual conscience appears minimalist and therefore universal but in fact, Mahmood states, it 'has a specific Protestant genealogy and does not comport with other traditions'.[6]

Authors laying bare the Protestant origins of the liberal secular approach to religion often draw on the work of John Locke (1632–1704).[7] In Mahmood's work, Locke makes several appearances as someone who influenced our current view of the *forum internum* as an inviolable realm of individual conscience, and the

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Fallers Sullivan, *The Impossibility of Religious Freedom* (Princeton, NJ: Princeton University Press 2011).

3   The Enlightenment is often characterized as both the period in which these central liberal axioms were first formulated and as the age in which the modern category of 'religion' was 'invented'. For a discussion of the latter, see, for example, Brent Nongbri, *Before Religion: A History of a Modern Concept* (New Haven, CT: Yale University Press 2013); Peter Harrison, *'Religion' and the Religions in the English Enlightenment* (Cambridge: Cambridge University Press 2002); and Jonathan Sheehan, 'Enlightenment, religion, and the enigma of secularization: a review essay', *American Historical Review,* vol. 108, no. 4, 2003, 1061–80.

4   Saba Mahmood, *Religious Difference in a Secular Age: A Minority Report* (Princeton, NJ and Oxford: Princeton University Press 2016), 174.

5   Ibid., 166.

6   Ibid., 175.

7   Similarly, Immanuel Kant is often cited as a scholar who, through his universal definition of religion, contributed to the historical development of a Protestant notion of religion as an interior belief or mental state. See, for example, Asad, *Genealogies of Religion*, 41. For reasons of scope, this article will focus on the critical genealogists' use and interpretation of John Locke's work.

extension of state jurisdiction over the *forum externum*, consisting of worldly and bodily practice.[8] In both Jakob De Roover and S. N. Balagangadhara's and Jeff Spinner-Halev's reflections on the 'Protestant' nature of liberal toleration, Locke seems to shoulder responsibility for the theological inheritance present in the contemporary liberal treatment of religion.[9] Locke's views, these authors claim, were essential for the development of central 'axioms of liberal political thought' such as 'the right to religious liberty and the separation of state and religion'.[10] His political thought, they argue, is inherently theological as it depends on the Protestant 'division of society into a temporal political kingdom and the spiritual kingdom of Christ'.[11] Our central liberal axioms thus depend on what is essentially a *religious* division. This, the authors argue, 'indicates that the modern liberal thought continues to be religious, since it conceals an essentially theological structure in secular garb'.[12]

Not all authors pointing out the theological assumptions underlying liberal views on religion focus on the *Protestant* legacy influencing our conception of what religion really is or should be. When Robert Yelle argues that 'law and politics have only apparently become separate from religion, but actually continue to be dependent on categories inherited from a theological past', he gives emphasis to theological oppositions that long precede the Reformation.[13] The Christian distinctions between spiritual and ritual, universal and particular, political and private, formulated in opposition to Judaism, he argues, are foundational for the contemporary treatment of religion: 'In absorbing and displacing religion, secular law borrowed strategies that Christianity had used to marginalize and subordinate Judaism.'[14]

While bringing such inheritances to light is a worthwhile project, I believe that a singular emphasis on *theological continuity* present in the claim that 'secularism does not recognize its functional status as a religion' brings forth its own set of problems.[15] In this article, I will formulate three important caveats on using a

8   Mahmood, *Religious Difference in a Secular Age*, 166. See also Saba Mahmood, 'Religious reason and secular affect: an incommensurable divide?', *Critical Inquiry*, vol. 35, no. 4, 2009, 836–62 (853).

9   Jakob De Roover and S. N. Balagangadhara, 'John Locke, Christian liberty, and the predicament of liberal toleration', *Political Theory*, vol. 36, no. 4, 2008, 523–49; Jeff Spinner-Halev, 'Hinduism, Christianity, and liberal religious toleration', *Political Theory*, vol. 33, no. 1, 2005, 28–57.

10 De Roover and Balagangadhara, 'John Locke, Christian liberty, and the predicament of liberal toleration', 543.

11 Ibid., 523.

12 Ibid., 540.

13 Robert A. Yelle, 'Moses' veil: secularization as Christian myth', in Winnifred Fallers Sullivan, Robert A. Yelle and Mateo Taussig-Rubbo (eds), *After Secular Law* (Stanford, CA: Stanford Law Books 2011), 23–42 (24).

14 Ibid., 33. Yelle here draws on the work of Gil Anidjar who argues that 'Christianity—which is to say, Orientalism—invented both religion *and* secularism. Consider, for example, how, recasting the sacred/secular divide as a distinction between the Hebrews and all other nations … ': Gil Anidjar, 'Secularism', *Critical Inquiry*, vol. 3, no. 1, 2006, 52–77 (63).

15 Yelle, 'Moses' veil', 36.

genealogical approach to liberalism's treatment of 'religion'. I will point out the risk of critiques that focus solely on the persistence of theological categories. A monolithic presentation of 'the' genealogy of religion, which claims that contemporary liberal ideas on religion, secularity and tolerance are in fact 'Christian' or 'Protestant', hides from view the importance of the different political and historical contexts in which these categories have played, and continue to play, a role.

Spiritual Christians, legalistic Jews, political Muslims

One of the reasons for bringing to light the theological roots of a liberal secular treatment of religion is the notion that such a hidden inheritance can have exclusionary effects. Mahmood argues, for example, that non-Protestant traditions are disadvantaged because the liberal right to religious freedom is based on a definition of religion as a matter of individual conscience. Jewish and Islamic rites and practices, she claims, are not as well protected by such a right.[16] In her work on religious injury, she focuses on a different theological remnant in the modern, secular conceptualization of religion: the idea that religion is 'ultimately about belief in a set of propositions to which one gives one's assent'.[17] Such a notion of religion, Mahmood argues, leads to a misunderstanding of those faiths in which religiosity is constituted in great part by lived and embodied practice, such as the tradition of Muslim piety. De Roover and Balagangadhara also contend that the hidden theological structure that underlies the liberal framework leads to exclusion: liberal principles and institutions 'are simply "unintelligible" for cultures unfamiliar with "Judeo-Christian" religion'.[18]

One of the problems with this line of argument is that it runs the risk of adopting essentialist ideas about the nature of different religions. Andrew March, for this reason, criticizes the opposition between Protestantism and Muslim traditions of piety as presented in Mahmood's work. It is based, he claims, on 'an utterly unconvincing opposition between habitus, affect and embodiment on the one hand and a concern with proposition, truth and belief on the other' and excludes 'much that is central to Islamic discursive traditions of piety and morality'.[19]

Elsewhere I discuss the ways in which the 'remaking of religion' in European Enlightenment thought was connected to representations of Judaism and Islam.

16 Mahmood, *Religious Difference in a Secular Age*, 175.
17 Mahmood, 'Religious reason and secular affect', 852.
18 De Roover and Balagangadhara, 'John Locke, Christian liberty and the predicament of liberal toleration', 545. De Roover and Balagangadhara's claim that '*Judeo-Christian* theology is the condition of intelligibility for the liberal theories of toleration' (544–5, emphasis added) is especially curious for what they consider to be the core of this theology, namely the radical separation between a public or political civil sphere and the individual spiritual sphere of religion, was continually used to problematize Judaism as a *political* or *legalistic* religion that did not recognize this separation.
19 Andrew March, 'Speech and the sacred: does the defense of free speech rest on a mistake about religion?', *Political Theory*, vol. 40, no. 3, 2012, 319–46 (326).

In the work of Enlightenment authors, Judaism and Islam were regularly per-
ceived as particularistic, political, legalistic, materialist or ceremonial forms of
religiosity, characteristics that were in turn often associated with fanaticism,
intolerance and religious violence.[20] Representations of these faiths and their
adherents played a pivotal role in the self-perception of European thinkers
and in the construction of the idea of a Christian European civilization free
from the problematic characteristics projected on to these religious Others.
However, the fact that the highlighting, or even construction, of certain religious
differences could serve the ends of religious or political majorities is hidden
from view when the genealogy of religion is understood as a process in
which a 'Protestant theology' was translated into 'secular' terms.

   This becomes apparent, for example, when looking at Montesquieu's theory
on Islamic despotism, which he developed in opposition to an idea of Chris-
tian freedom. Montesquieu famously argues that different religions support
different moral and political structures. Christianity, he states, supports indi-
vidual freedom, while Islam enslaves its people. Montesquieu emphasizes
that both the Christian separation of worldly and political power and the
higher status it ascribes to women make 'a moderate Government . . . most
agreeable to the Christian Religion, and a despotic Government to the
Mahometan'.[21] The domestic servitude of women in Islam is, according to
Montesquieu, connected to 'political slavery' and thus one of the reasons des-
potic government is better suited to 'Mohammedanism'.[22] This hierarchical
ordering of Christianity and Islam is particularly ironic because it was formu-
lated in a period in which most Christian Europeans were ruled by absolute
monarchs. Annelien de Dijn shows that Montesquieu's tract was 'frequently
invoked in the second half of the eighteenth century to bolster the case for
royal absolutism'.[23] Montesquieu's differentiation between Oriental despot-
ism and European monarchism was used to defend the latter. The focus on

20 Much in-depth work has been done charting these characterizations of Judaism and
    Islam, Jews and Muslims, in the work of early modern European scholars. For an over-
    view, see, for example, Ian Almond, *The History of Islam in German Thought: From Leibniz
    to Nietzsche* (New York and London: Routledge 2010); Ziad Elmarsafy, *The Enlighten-
    ment Qur'an: The Politics of Translation and the Construction of Islam* (London: Oneworld
    Publications 2009); Ivan Kalmar, *Early Orientalism: Imagined Islam and the Notion of
    Sublime Power* (London and New York: Routledge 2012); Adam Sutcliffe, *Judaism and
    Enlightenment* (Cambridge: Cambridge University Press 2003); and Ronald Schechter,
    Obstinate Hebrews: Representations of Jews in France, 1715–1815 (Berkeley, Los Angeles
    and London: University of California Press 2003). In my PhD thesis, I point out that
    Christian theological tropes and oppositions *are* part of the Enlightenment perceptions
    of Judaism and Islam. However, the representations of these faiths can be understood
    fully in terms of the persistence of theological categories (forthcoming).
21 Charles de Secondat Montesquieu, *Montesquieu: The Spirit of the Laws*, trans. from the
    French and ed. Anne M. Cohler, Basia Carolyn Miller and Harold Samuel Stone (Cam-
    bridge: Cambridge University Press 1989), 461.
22 Ibid., 270.
23 Annelien de Dijn, 'Montesquieu's controversial context: *The Spirit of the Laws* as a mon-
    archist tract', *History of Political Thought*, vol. 34, no. 1, 2013, 66–88 (67).

Islamic despotism thus allows Enlightenment authors to remain quiet about existing religious and political practices and institutions.

The eighteenth-century French discussions about *la nation juive* provide another example in which the characterization of a non-Christian religion, namely Judaism, obscures the societal and political privileges enjoyed by a Christian majority. The widespread concern that the Jews formed a 'nation within a nation' was attributed to the particularistic, legalistic and political nature of their faith and not to the fact that, until the Revolution, Jewish communities in France were subject to 'laws of exception' laid down in letters of patent, 'defining their rights and obligations in the kingdom'.[24] A focus on the political nature of Judaism was thus used to legitimize its exclusion from a range of liberties granted to Christians.

The work of John Locke—De Roover and Balagangadhara's central character in religion's founding narrative—also contains such familiar derogatory representations of Judaism, both as purely ceremonial and as a legalistic religion. In Locke's later works, such as *The Reasonableness of Christianity* (1695) and *A Paraphrase and Notes on the Epistles of St Paul* (1707), he aims to establish an opposition between a moral and spiritual Christianity and a harsh, legalistic and literal Judaism.[25] Locke's discussion of Judaism and the Mosaic Law here has a specific function, namely salvaging the importance of (moral) *works* from the attacks of Calvinists who claimed it was *faith alone* that led to salvation. Locke believed strongly that morality was founded in scripture. Consequently, atheists and others who did not believe in rewards and punishment in the afterlife were not held by the 'bonds of human society'.[26] 'Promises, covenants, and oaths', Locke argued, 'can have no hold upon the atheist', as they are not morally motivated.[27] The Christian gospel, according to Locke, *did* contain within it a 'duty to do good works'.[28] However, Locke vehemently tried to distinguish this duty of living a moral life from the 'ritual observation of positive norms' characteristic of those following the Mosaic Law.[29] Even though the Old Testament did contain ideas of a moral nature, the Jews were not able to interpret them in that way for 'they see not the spiritual and Evangelical truths contained in them'.[30]

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24 Schechter, *Obstinate Hebrews*, 32.
25 Raffaele Russo, 'Locke and the Jews: from toleration to the "destruction of the temple"', *Locke Studies*, vol. 2, 2002, 199–223.
26 John Locke, *Two Treatises of Government and A Letter Concerning Toleration*, ed. Ian Shapiro (New Haven, CT and London: Yale University Press 2003), 246.
27 Ibid.
28 Russo, 'Locke and the Jews', 218.
29 Ibid.
30 John Locke, *A Paraphrase and Notes on the Epistles of St Paul to the Galatians, 1 and 2 Corinthians, Romans, Ephesians*, ed. Arthur W. Wainwright, 2 vols (Oxford: Clarendon Press 1987), II, 280. Locke here paraphrases a passage from *2 Corinthians 3* in which Paul refers to the veil Moses wore to cover his face when he returned from Mount Sinai after receiving the Ten Commandments. The passage describes the manner in which the new Christian covenant supersedes the Jewish Law. While this veil still blinds

De Roover and Balagangadhara completely gloss over this aspect of the historical trajectory that brought forth to the modern concept of religion. They take at face value the idea of (Protestant) Christianity as a religion 'theologically' devoted to the salvation of the soul through inner faith, which can therefore be committed to both the separation of church and state and the idea of toleration, while other religions that do not share this theological starting point cannot make sense of these principles. They thereby ignore the fact that the genealogy of religion contains representations of (Protestant) Christianity and non-Christian religions that should not be seen as 'neutral' or 'objective' descriptions of these religion's 'theologies'. In presenting the genealogy of modern religion as a process in which one religion's theological principles founded our liberal principles, the authors run the risk of repeating both a strongly idealized idea of (Protestant) Christianity and simplified, sometimes prejudicial, descriptions of non-Christian religions such as Judaism and Islam. Moreover, presenting the separation between church and state as founded on Christian theological principles conceals Christianity's historical and contemporary political entanglements. This brings me to the next point, namely that an emphasis on the theological foundations of the liberal framework of religion obscures the importance of the changing historical and political circumstances in which discussions about religion, secularism, toleration and non-establishment take place. For not only theology, but also shifting political alliances, interests and conflicts play a role in religion's historical narrative.

Theology or politics?

Jeff Spinner-Halev, like De Roover and Balagangadhara, argues that liberalism's 'doctrine of religious toleration' is rooted in Protestant theology: 'The liberal conception of public and private has its origins in the (eventual) Protestant conception of privatized religion.'[31] These 'Protestant roots', he claims, make early liberalism tolerant of religions that 'look' like Protestantism because they have 'the same general conception of religion'.[32]

As I argued in the previous section, this line of argumentation ignores the fact that the differences between (Protestant) Christianity and other religions were at least partly construed and can therefore not be presented as stable

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the Jews, it is taken away by Christ: '14. But their minds were blinded: for until this day remaineth the same vail untaken away in the reading of the old testament; which *vail* is done away in Christ. 15. But even unto this day, when Moses is read, the vail is upon their heart. 16. Nevertheless when it shall turn to the Lord, the vail shall be taken away. 17. Now the Lord is that Spirit: and where the Spirit of the Lord *is*, there *is* liberty' (*King James Bible*, original emphasis).

31 Spinner-Halev, 'Hinduism, Christianity, and liberal religious toleration', 33.

32 Ibid.

theological dissimilarities. Here I want to emphasize that Spinner-Halev's reasoning also ignores that early modern discussions on toleration were strongly influenced by the political contexts in which they took place. Ideas about religious difference most certainly play a role in these discussions. However, it is important to examine the way in which these differences were 'put to use' in serving different political interests. Both the work of John Locke and the discussions and policies of toleration in seventeenth-century England problematize the idea that early liberalism was internally tolerant and that Protestant theological principles were leading in the extension of tolerance.

Those authors who point out John Locke's role in the founding of a liberal— yet fundamentally Protestant—framework of religion often discuss his use of the category of *adiaphora* or 'those religious activities that are deemed unnecessary to salvation'.[33] Despite the weight he attaches to moral works, Locke also maintains that many religious activities and practices could be considered as morally *indifferent* and thus be brought under the jurisdiction of the sovereign. In his early work, Locke's fear of civil strife leads him to argue *against* tolerance of different forms of dissenting Christian worship by stating that these 'differed from the orthodoxy of the state church only in marginal questions, those that could be considered "indifferent"'.[34] Locke, however, defends the tolerance extended to the Jews and the few Muslims residing in England. He does so by arguing that every aspect of *these* religions, ceremonial or spiritual, was thought to be ordained by God. Not one element of these religions, therefore, is part of the realm of *adiaphora*. Judaism is described by Locke as 'an outward form of worship cumbered with more ceremonies and circumstances' than any other religion in the world.[35] The Jewish God, Locke argues, 'descended to the lowest actions and most trivial utensils, not leaving out the very snuffers and firepans of the sanctuary'.[36] Furthermore, both their small number and their marginal position cause Jews and Muslims not to be seen as a threat to political stability. The extension of toleration to Christian dissenters, Locke feared, could cause political turmoil and conflict: for one 'must confess himself a stranger to England that thinks that meats and habits, that places and times of worship would not be . . . sufficient occasion of hatred and quarrels amongst us'.[37]

These early discussions call into question the idea of 'internal tolerance' discussed by Spinner-Halev. They also problematize the way in which scholars present Locke's thought as an indisputable example of the early modern Protestantization of 'religion' that established the distinction between the *forum*

33 Saba Mahmood and Peter G. Danchin, 'Politics of religious freedom: contested genealogies', *South Atlantic Quarterly*, vol. 113, no. 1, 2014, 1–8 (2).
34 Russo, 'Locke and the Jews', 203.
35 John Locke, 'First tract on government (1660)', in John Locke, *Political Essays*, ed. Mark Goldie (Cambridge: Cambridge University Press 1997), 3–53 (43).
36 Ibid., 18.
37 Ibid., 8.

internum and *forum externum:* a realm of belief and conscience that is *protected* by freedom of religion, versus a realm of external practices that can be *regulated* by the magistrate. Locke's *A Letter Concerning Toleration* (1689) further questions the importance of the distinction between *inviolable* belief and *controlled* manifestation. In this famous work, Locke *does* extend toleration to different forms of Christian worship that go against Anglican orthodoxy. He emphasizes that the external practices, symbols and ceremonies that are part of religious worship should *not* be regulated by government, for 'things ever so indifferent in their own nature, when they are brought into the church and worship of God, are removed out of the reach of the magistrate's jurisdiction'.[38] Those externalities ordained by religion and scripture, therefore, do not belong to the category of *adiaphora*.

Locke himself actually 'drew the limits of toleration on the basis of beliefs',[39] as he famously refused to extend tolerance to Catholics and Turkish Muslims —due to their blind obedience to the Pope and the 'Mufti of Constantinople', respectively—as well as to atheists.[40] The beliefs of Catholics, Locke argues, prevent them from being loyal to their government, for they are obedient to the Pope 'who hath the keys of their consciences tied to his girdle'.[41] Teresa Bejan convincingly shows that these limitations on tolerance stem from Locke's continuous concerns about the dangers of disagreement caused by religious diversity. Arguments of public order and political stability, therefore, play a more central role in Locke's discussion of toleration than his (Protestant) opposition between conscience and indifferent practices. The idea that a Lockean (and Protestant) conception of religion as firmly located in the realm of individual conscience underlies not only the liberal notion of toleration but also that of the separation between church and state is further problematized when one takes into account that Locke did not question the many privileges that befell Anglican Protestantism. While Locke did indeed argue for a relatively broad tolerance of different forms of worship, he did not explicitly problematize the fact that, for example, the right both to hold public office and to enter university were limited to members of the Anglican Church. While Locke thus excluded Catholics from toleration because of the *political nature* of their religion,[42] the connections between Anglicanism and the state were not problematized.

Rachel Weil looks at a specific anti-Catholic policy implemented after England's 1688 Revolution to argue that 'whether a religion comes to be

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38 Locke, *Two Treatises of Government and A Letter Concerning Toleration*, 233.
39 Teresa M. Bejan, 'Locke on toleration, (in)civility and the quest for concord', *History of Political Thought*, vol. 37, no. 3, 2016, 556–87 (585).
40 Locke, *Two Treatises of Government and A Letter Concerning Toleration*, 245–6.
41 John Locke, 'An essay on toleration (1667)', in Locke, *Political Essays*, 134–59 (152).
42 For a further exploration of the liberal intolerance of certain forms of religion 'perceived to be connected, through religious affiliation or beliefs, with arbitrary or absolute power', see Heather Rae, 'Liberalism and the anxiety of belief', *Patterns of Prejudice*, vol. 52, no. 4, 2018, 293–313 (294).

described as either "mere religion" or as a form of political ideology has much to do with the political agendas of those who describe it'.[43] She discusses the post-revolutionary introduction of an 'unprecedented doctrinal test' used to identify Catholics in order to disarm these potential rebels and dispel them from the London area. Previous tests of political allegiance—consisting of an oath of allegiance to the English monarch and a denunciation of the Pope's right to depose princes—had left open a theoretical opportunity for subjects to reconcile Catholic belief and state loyalty. The 1689 test to 'identify a category of political suspect' consisted of a declaration in which the subject had to deny belief in the doctrine of transubstantiation and affirm that 'the invocation of the virgin and saints, and the sacrament of the Mass' as used in the Church of Rome were '"superstitious and idolatrous"'.[44]

The introduction of this *belief*-based test, which cemented the long-familiar 'equation of Catholicism with disloyalty' in new ways, cannot be understood from a perspective that takes the theological differences between Anglican Protestantism and Catholicism as a starting point. Instead, argues Weil, it was the political struggle among Protestants that motivated the new security legislation against Catholics. The Glorious Revolution caused divisions within the Anglican state church and for the first time confronted legislators with the problem of *Anglican disloyalty*: some members of the state church refused to plead allegiance to the new monarchs. The new doctrinal test of allegiance 'minimized both the exposure and the punishment of disloyal Anglicans, while maintaining a sharp line between Catholics and Protestants', and was hence used to maintain stability and preserve the power of established political and religious institutions.[45] To understand the introduction of the test, one should examine how the line 'between so-called mere religion and religion-that-is-really-politics' was drawn: 'who got to draw it, and what needs did that line serve?'[46] Weil, thus, again points out the importance of the political context in the constructing, highlighting or problematizing of certain religious differences. The role of political interest remains hidden when focusing on theological continuities.

Theology, culture, ethnicity, nationality

Finally, I want to argue that those authors who focus on the theological roots of the modern concept of religion should be careful not to overlook the way the category of religion interacts with other categories such as culture, ethnicity, nationality, race and class. Critical work on the bias created by a supposedly Christian or Protestant conception of religion maintains a firm focus on

43 Rachel Weil, 'National security and secularization in the English Revolution of 1688', in Sullivan, Yelle and Taussig-Rubbo (eds), *After Secular Law*, 80–100 (83).
44 Ibid., 82, 88.
45 Ibid., 82.
46 Ibid., 83–4.

'religion' as an essential category for understanding plurality and political conflict. The solution for these Protestant privileges seems rather straightforward: broadening out the legal and social definition of religion to include those religions that do not fit the Protestant mould. These types of critiques stay 'within the religio-secular paradigm', questioning only the modern *definition* of religion and not 'what it means to rely on religio-secularism as a lens for investigating culture, ethnicity, and religion in politics (and religion in political conflict specifically)'.[47] The historical trajectory in which modern ideas about religion took shape not only produced new definitions of religion, but can also help question the dominance of this 'religio-secular' lens.

The long eighteenth century was a period in which 'religion was remade and given new forms and meanings'.[48] A focus on the persistent nature of Christian theological concepts, however, suggests *continuity* and overlooks the transformations that took place. One of these transformations was the way in which Christianity came to be seen as a marker of European, sometimes national, culture or civilization. The period's views on Judaism, Islam and other Others show how 'religion' became entangled in the creation of ethnocultural hierarchies. This becomes visible in the work of Montesquieu, who connects religion and culture, both being the outcome of the climate in which people live, and in the work of those Enlightenment scholars who project problematic features such as fanaticism and despotism on to Judaism and Islam to imagine a Christian Europe free from such characteristics.[49]

Another example from eighteenth-century England illustrates the inseparability of religion and other identity markers: the introduction of the 1753 Jew Bill, which would have allowed for the naturalization of a small group of wealthy foreign-born Jewish merchants and was repealed after popular uproar. The heated debates following the passing of the bill show that opponents projected 'British concerns about the integrity of the nation and the internal threats of faction and deep division onto the Jews'.[50] In parliamentary debates and in the pamphlets and prints produced after the bill's passage, Jews were depicted as a multidimensional danger. Some opponents of the naturalization act focused on the Jews' 'blasphemous religion', and bizarrely portrayed Jews as conspiring to circumcise all Christian men after their

47 Yolande Jansen, 'Beyond comparing secularisms: a critique of religio-secularism', in Phil Zuckerman and John R. Shook (eds), *The Oxford Handbook of Secularism* (Oxford: Oxford University Press 2017), 369–85 (370). For a further discussion of the term 'religio-secularism', see Markus Dressler, 'Beyond religio-secularism: toward a political critique', 25 February 2014, available on *The Immanent Frame* website at https://tif.ssrc.org/2014/02/25/beyond-religio-secularism-toward-a-political-critique (viewed 7 January 2020).

48 Sheehan, 'Enlightenment, religion, and the enigma of secularization', 1077.

49 See the essay by Matthea Westerduin in this issue for a discussion of the entanglement between religion and race. She argues that this entanglement, which has pre-modern origins, has been made invisible by the dominance of the religio-secular lens.

50 Dana Rabin, 'The Jew Bill of 1753: masculinity, virility, and the nation', *Eighteenth-Century Studies*, vol. 39, no. 2, 2006, 157–71 (165).

naturalization. Others challenged the bill by depicting the Jews as one of many groups of non-natives trying to gain access to Britain. The bill was passed in a context of intense debate on the extension of British citizenship to both Protestant and non-Protestant 'aliens' settling in the American colonies.[51] Other arguments concerned the Jews' economic status; it was feared that Jewish merchants would buy up estates and compete with British traders. Moreover, because the Jews supposedly always 'kept apart', their commerce would not benefit anyone but themselves. Others worried that the bill would cause an influx of poor Jews who would become a burden on the British state. A different line of opposition explicitly connected the bill to the extension of toleration for Catholics and dissenters. Even though the naturalization bill was in no way linked to the extension of civil liberties to English Jews, it was described as a 'popish plot', a 'slippery slope that would lead to full civil rights for Nonconformists and Catholic emancipation', something that would increase the possibility of rebellion and political instability.[52] The debates on the Jew Bill thus show how different and interrelated concerns about the unity of Britain were connected to the naturalization of a small and relatively powerless minority: anxieties about religious unity, but also about continued political division and threats of civil unrest, the nation's permeability to foreign influences, and economic competition in the context of Britain's imperial projects. This complexity of the Jews' position as a minority in England cannot be grasped by looking solely at their religious difference.

The case of the English Jew Bill illustrates that a genealogical approach that centres on uncovering the Protestant inheritance offers a narrow and one-dimensional view of the historical trajectory in which modern ideas about religion took shape. By ignoring the way ideas about religion formed in interaction with ideas about nationality, culture, citizenship, ethnicity, race and class, such an approach not only paints a constricted picture of this historical trajectory itself, but also has limited potential for critiquing contemporary liberal engagement with religion. The critical approaches discussed earlier bring out the Protestant bias present in both contemporary liberal theory and political and legal institutions that depend on certain exclusionary definitions of religiosity, and usefully so. However, in doing so, they maintain a focus on 'religion' as the central category through which to interpret plurality, conflict and the accommodation of diversity.

> [This] tends to hide from view all of the majority–minority relations, power inequalities, class and colonial history, everydayness, migration histories, histories of imaginaries, and stereotypes in intercultural memory that are relevant to understand the position of these minorities—as well as the genealogy of the concept of 'minority'.[53]

51 Albert M. Hyamson, 'The Jew Bill of 1753', *Transactions* (Jewish Historical Society of England), vol. 6, 1908–1910, 156–88 (158).
52 Rabin, 'The Jew Bill of 1753', 163.
53 Jansen, 'Beyond comparing secularisms', 374.

To explain this further, I want to come back to Saba Mahmood's work in which she analyses the workings of the right to religious freedom in European law. Mahmood discusses several legal cases in which the European Court of Human Rights (ECHR) decided in favour of states wanting to forbid the exercise of Islamic practice, mainly the wearing of the veil in public institutions. She argues that 'the ongoing litigation in Europe around Islamic and at times Jewish practices that do not accord with a privatized conception of religion points to the religious truth internal to European law'.[54] The Protestant conception of religion as a matter of individual conscience 'recasts' the wearing of the veil as an 'adiaphorous act' that is therefore 'subject to civic regulation'.[55]

When Nehal Butha analyses the same cases, he highlights another dimension of the ECHR verdicts, namely the substantive judgements on the practice of veil-wearing that are part of these court rulings. Judges, he shows, explicitly describe the Islamic practice of veil-wearing as a threat to democratic values such as tolerance, equality and non-discrimination. The decisions further show an interpretation of the veil as a harbinger of 'religious strife', as can be read in the judges' concerns that schools that allow teachers to wear veils will become 'places of religious conflict'.[56]

The connections made between the veil and intolerance, and the veil and sectarian conflict cannot be fully understood from the perspective of the Protestantization of religion or the dominance of a definition of religion as individual conscience. To understand these connections, it is necessary to take on a broader historical perspective—one that considers, for example, colonial histories, ethnocultural stereotypes, political imaginaries of Muslims and Arabs, and discourses on the relationship between religious signs and fanaticism—and analyse the actual political contexts in which this broad range of historical tropes and discourses re-emerge.[57]

Tracing theological legacies

I have argued that the claim that the liberal secular approach to religion is in fact *religious* or founded in *theology* produces several blind spots. Those critiques of the liberal framework that focus on uncovering its supposedly Christian or Protestant roots run the risk of continuing essentialist ideas about the nature of

54 Mahmood, *Religious Difference in a Secular Age*, 175.
55 Ibid., 170.
56 Nehal Butha, 'Two concepts of religious freedom in the European Court of Human Rights', *South Atlantic Quarterly*, vol. 113, no. 1, 2014, 9–35 (11).
57 Yolande Jansen argues that 'the political-historical nature of the fanaticism-piety-violence nexus should be integrated into any plausible concept of postsecularism', for the history of the political use of fanaticism is a fundamental part of the historical trajectory in which a modern notion of religion took shape: Yolande Jansen, 'Postsecularism, piety and fanaticism: reflections on Jürgen Habermas' and Saba Mahmood's critiques of secularism', *Philosophy and Social Criticism*, vol. 37, vol. 9, 2011, 977–98 (981).

different religions and overlooking the importance of historical and contemporary political contexts in shaping discussions on religion. Furthermore, these genealogical approaches fail to question the religio-secular perspective on social plurality and conflict, and often ignore religion's interaction with other categories such as culture, civilization, nationality and ethnicity.

This does not mean, however, that theological legacies play *no* role in contemporary discussions about diversity and the place of religion in the modern state. I believe the tracing of these legacies and their exclusionary effects can be productive, but only if done with an understanding that such an inheritance is not stable, but continually being put to use in changing political and historical contexts. This approach to theology is most eloquently described by Jonathan Sheehan:

> To boil it down to some sacred essence misses the heterogeneous reality of its appearance. Theology, like politics, is not an essence, but a set of claims that appear in time, and with specific empiricities of their application. Rather than use its appearances and disappearances to chart (ever anew, because ever in vain) the divide between sacred and secular, it seems worth our energies to focus exactly on the empiricities. Maybe by doing this, we can start to rethink larger categories—of secularization, of modernity, to name two—less as norms for a world writ large, and more as claims evoked in situations local and particular; less in terms of puzzling absences and persistences, and more in terms of their real dynamism and contingency. In this we historians and other critics would be giving up our jobs as demystifiers of the secular and the modern, and instead, content ourselves with something less grand, yet more truthful, I think, as careful listeners to the social, political, and religious languages that people speak and find persuasive in their lives.[58]

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58 Jonathan Sheehan, 'Assenting to the law: sacrifice and punishment at the dawn of secularism', in Sullivan, Yelle and Taussig-Rubbo (eds), *After Secular Law*, 62–79 (77).