

The construction of 'religion' in EU foreign policies on freedom of religion or belief

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1. Introduction

This thesis will investigate how the category of 'religion' is constructed in EU foreign policies on Freedom of Religion or Belief (FoRB) and how this discourse feeds into concrete projects on the ground. It will suggest that despite the human rights language dominating FoRB discourses, a 'dialogic approach' towards it is possible and necessary. This is argued on the basis of a more nuanced understanding of how 'religion' is conceptualized in EU foreign policymaking, and how these policies play out in, and relate to, local contexts in Indonesia, where EU funded projects on FoRB are implemented by local organizations. This thesis will contribute to the discursive study of religion, secular studies, as well as offering new perspectives on 'dialogical grounds' within human rights discourse on 'religion.' It relates to both critical scholarship on FoRB as well as to the insight among FoRB promoters that discussing 'crucial [and controversial] political terms' from the perspective of FoRB has a potential to 'contribute to an enhanced awareness of what is at stake in conflicting interpretations' (Bielefeldt, Ghanea, Wiener, 2016, p. 4).

Over the past decade, scholarship in the discursive study of religion has expanded its focus to look more thoroughly into the interrelations of law, politics, and religion (see Årsheim, 2016a; Gunn, 2003; Christoffersen, 2006; Lo Giacco 2016; Richardson, 2011; von Stuckrad, 2013, p 10). This reflects an increased (institutional) engagement with religion in politics and legal debates over the past two decades, emphasizing the impact of these dynamics on understandings and definitions of religion and the ways it is dealt with in public debates, politics, and law (see Årsheim, 2016a, p. 288; Hurd, 2012; Wilson, 2012). Until now, little attention has been paid, however, on the ways in which EU external action and the guidelines structuring its work have contributed to shaping the scope, meaning, and conceptualization of religion and how this, in turn, is affecting the EU's external action.

Guidelines, debates, and programs on the 'promotion and protection of FoRB' have become a growing field of work within the area of foreign politics, the EU being an active player in this global development. While this is closely entangled

with the language of human rights and ideas about their universality, politics on religion, at the same time, cannot escape the problem of defining what religion is. FoRB is actively involved in this. What 'religion' is supposed to look like is based on particular understandings, definitions, and associations of what is meant by 'religion' and 'religious freedom.' In order to gain a more nuanced understanding of how and why FoRB has become a main policy issue over the past years in EU foreign affairs and what the effects of this are, it is necessary to look at how discourses on religion, concrete policies, and realities on the ground mutually construct the meaning of religion and the purposes and implications of its mobilization within FoRB policies. This thesis will address these questions by conducting (a) a discourse analysis on policy guidelines within EU foreign policymaking and (b) an analysis of how this discourse plays out in a local environment in Indonesia, where programs on FoRB have been implemented.

1.1 Research objectives and sub-questions

The main research objective of this thesis is two-fold. First, it will analyze how and why a specific content and rhetoric is used in foreign affairs around FoRB, addressing current EU foreign policies and Parliamentary debates on the EU's external relations and actions from a perspective of critical discourse analysis. This addresses the first part of the main research question of *how the category of 'religion' is constructed within EU external action on FoRB*. Starting with an analysis of the Guidelines on the promotion and protection of freedom of religion or belief, two sub-questions guide the research: 1) what do policies on FoRB protect? And 2) what do they promote?

Second, the results of this discourse analysis will be used to look more closely at a case study from Cirebon, Indonesia where a local project on FoRB has been implemented by a Dutch faith-based organization. The main research question addressed in this part is *whether and, if so, how the specific ways in which religion is constructed in EU foreign policies can be traced in local projects on FoRB in Indonesia*. Two sub-questions guide the research: 1) How is 'religion' constructed and

presented in local projects on FoRB? And 2) How do these projects relate to the local environment?

Answering these questions, the thesis will, on the one hand, contribute to secular studies, analyzing the ways in which ‘religion’ becomes constructed as part of a secular human rights approach to FoRB. On the other hand, this study is also concerned with the impasse between universalism and relativism. In the context of FoRB, this is exemplified by recent critiques that the neither ‘religion’ nor ‘religious freedom’ are universally valid concepts. Different languages and local approaches offer alternative ways but remain often unheard in international politics or even in the national arena, which is interrelated with international law and global networks of trade and policymaking. Cultural relativism and moral universalism create a tension that demands a careful look at different contexts. By looking at the EU Guidelines and surrounding documents and the area around Cirebon, Indonesia, the thesis will respond to this challenge within a theoretical framework of secular studies.

1.2 Theoretical framework

By focusing on the ways in which the category of ‘religion’ is constructed, this thesis follows a constructivist approach, which means that neither ‘religion’ nor its seemingly opposite counterpart, the ‘secular,’ are taken as fixed categories, following William Cavanaugh (2009, p. 3). Rather, both of them are considered as mutually interdependent, a positive definition of the one being just as complicated as the other and both are often referred to as simply *not the other* (see Casanova, 2011, p. 55; Anidjar, 2006, p. 62). At the same time, secular frames of reference to discuss religion (rather than the other way around) have become a central marker of modern power configurations (see Taylor, 2007),¹ creating standards of knowledge

¹ Central to Taylor’s account are transformations within Christianity that have enabled secularizing processes over the past 500 years. Gil Anidjar (2015) notes that it is a remarkable essentialism that the analytical concept of ‘religion’ has never unsettled the notion of Christianity as a religion, This is in line with Taylor’s, Casanova’s, and Talal Asad’s work who have shown that the very concept of ‘religion’ is one that is entangled with the secular and that

and principles of social order, which make it necessary to differentiate between the secular as an analytical category and *secularism* as an ideological formation that is continuously structuring the religious-secular divide (see Asad, 2003, pp. 1 and 8; 2005; Agrama, 2011).²

Studying religion, politics, and law from such a perspective, FoRB needs to be considered as being directly involved in specific legal arrangements of the secular and the religious. More than that, political and juridical definitions of religion are not only representative of specific discourses but are themselves part and parcel of processes of meaning-making, that is, of what is considered religious and how it is evaluated (see Beaman, 2012; Berger, 2007).

This thesis follows recent scholarship in the interdisciplinary field of *secular studies*. This field encompasses various approaches towards the secular, secularization theory, and secularism, some of which are considered post-secular (see the authors in the 2012 Special Issue of the *Review of International Studies* 38(5) on ‘The Postsecular in International Relations’; Mavelli and Petito, 2014; Gorski, et al., 2012; Calhoun, Juergensmeyer, Van Antwerpen, 2011; Asad 2003; Taylor 2007). For this thesis, those approaches are of interest that challenge the assumption of secularism as a *neutral* form of government. Chapter 2 of this thesis will discuss several authors who have recently contributed to this field with regard to the global politics on religious freedom.

1.3 Case studies, methodology, and data selection

On the basis of the broader theoretical discussion of secular studies in Chapter 2, this thesis presents two separate empirical studies. Chapter 4 will analyze the EU Guidelines on the promotion and protection of freedom of religion or belief, which

the secular has emerged as a category from Christianity. It is therefore no surprise that the question whether something does or does not qualify as a religion, a significant legal question, occurs with regard to non-Christian religions (see also Anidjar, 2006, p. 62).

² Agrama (2011, pp. 184–6) speaks of the secular as a ‘problem-space,’ in which the authoritative decision over where to draw the secular-religious boundary constantly recreates the very definitions and distinctions that uphold secular power.

³ See the EU’s Annual Report on Human Rights and Democracy in the World in 2013.

are by now considered to be a central feature of EU foreign policymaking on the matter (see Leigh, 2015, pp. 140–1). Critical Discourse Analysis (CDA) guides the methodology applied in this chapter. As explicated by Helge Årsheim (2016a) and Titus Hjelm (2016), the analysis aims to understand how knowledge on ‘religion’ is constructed within foreign policy discourses. What language is used? How does the rhetoric differ between different documents, Parliamentary debates, and official statements, and what conclusions can be drawn from this on the factors that shape these discourses.

Analyzing the ways in which ‘religion’ is constructed in the Guidelines will shed light on how specific boundaries are drawn around ‘religion,’ what understandings of it are dominant, and how they can be explained with the help of secular studies. For the purposes of this thesis, the Guidelines on FoRB are the central document for developing the main categories for the analysis. Based on this, several more documents related to EU foreign policy discourse are analyzed, capturing two years previous and two years after the publication of the Guidelines. Specifically, these documents are: the annual reports released by the Parliamentary Intergroup on FoRB from 2013 to 2015, the Council Conclusions on FoRB from 2011, speeches by High Representative and Vice President (HR/VP) of the EU, Catherine Ashton, from 2011 and 2012, who focused strongly on FoRB at some occasions, and several documents that were part of the drafting process of the European Parliament (EP) report on the Guidelines including the Parliamentary debate on the report. This will show how the language of the Guidelines relates to other documents on FoRB as well as other actors within the context of EU foreign affairs.

Chapter 5 will present the findings of an ethnographic study that was conducted in 2015 in Cirebon, Indonesia. Over the past years, the relation between the EU and Indonesia has intensified, including a Framework Agreement on Comprehensive Partnership and Cooperation. Indonesia was identified as a pilot country under the Agenda for Action on Democracy Support in EU external action.³ The Dutch faith-based development organization *Mensen met een Missie* had designed and implemented a research project on FoRB. The research was conducted with local partner organizations and focused on the question of how specific EU centered discourses around ‘religion’ and FoRB are playing out in a foreign context.

³ See the EU’s Annual Report on Human Rights and Democracy in the World in 2013.

Indonesia, as a Muslim majority country, presents a case very different from the EU, thus potentially offering different perspectives on living together, religious life, and notions of religious freedom. The data was collected by means of individual and group interviews with a total of 70 respondents. Interview partners were identified starting within and around the partnering local civil society organization. Next to the interviews, participant observation was conducted in order to gain a more nuanced understanding of local practices and add to the information obtained in the interviews.

1.4 Outline

Chapter 2 will discuss the current global politics on FoRB. It also will consider the prevalence of secular rights language within these politics. The chapter will offer an overview of recent literature on FoRB and secular international politics as well as a clarification of main positions within the field. Central to the thesis will be a section on the role of ‘secular fears’ in the context of new FoRB initiatives (2,3).

Chapter 3 has the purpose of giving a brief overview of the framework of EU policymaking discussing the legal foundations of current discourses as well as introducing the framework of critical discourse analysis. The chapter argues that practices of defining ‘religion’ at the EU level are directly involved in larger processes of knowledge production that are criticized by scholars of FoRB.

Chapter 4 will present the findings of the discourse analysis. The data will be analyzed in light of the theoretical discussions in chapter 2. The central argument of this chapter is that the discourse on FoRB presents ‘religion’ as primarily individual, vulnerable, and either good or bad. Within the EU discourse, this results in privileging Christian minorities and framing Muslim majority countries as countries of concern.

Chapter 5 will present the findings of the research conducted in Indonesia, including the research design, methodology, and challenges and limitations encountered during the fieldwork. The chapter shows that the discourse on FoRB

as found in the EU framework needs to be translated by local actors in order to make sense on the ground. Local organizations build their work on local traditions that have a potential to escape narrow understandings of 'religion.'

Chapter 6, finally, offers conclusions and an outlook for further research. The thesis will conclude by presenting recommendations for a dialogic approach to FoRB that does not fall back on either relativism or universalism. Instead, the main argument is that alternative frames of reference can help to overcome simplistic understandings of FoRB.

2. The global politics on freedom of religion or belief: Between universalism and relativism

This chapter will introduce the current state of affairs of the global politics on religious freedom. The central argument presented here is that the global politics on Freedom of Religion or Belief speak in the language of secular law. The first part of this chapter discusses the main legal manifestations of this language, including the criticism voiced with regard to the contradictions within FoRB legislation and jurisprudence (2.1), before looking at the current landscape and contestation of international politics and practices around FoRB (2.2).

Based on this, the chapter presents a two-fold theoretical argument: In following Elizabeth Shakman Hurd's analysis of global politics on FoRB in terms of the 'two faces of faith,' the chapter argues that a particular *secular* fear is an important driving element that sits behind current international efforts on FoRB (2.3). The argument then moves on to discuss recent contributions to rethinking religious freedom as a potential space between universalism and relativism. This chapter will conclude by arguing that these attempts bear the potential to help overcome one-dimensional and anxiety-driven politics on FoRB (2.4).

2.1 Freedom of religion or belief between law, politics, and 'religion'

The most fundamental legal manifestation of the right to FoRB, formulated in Article 18 of the Universal Declaration of Human Rights (UDHR) from 1948, is a secular statement emphasizing the individual right to choose, practice, and express one's thoughts, conscience, religion, or belief. Article 18 is the silver thread running through today's politics on FoRB, spelled out and modified by various actors and other documents that have gained high currency in recent years. Before turning towards the contemporary landscape of the past twenty years, a few general remarks on the fundamental assumptions underlying FoRB and the larger

epistemological framework in which it was formulated are necessary. Article 18 of the UDHR runs as follows:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Formulated in this way, the right to FoRB necessarily presumes that religion is a capacity of *individual* liberty, making it a contingent and optional matter of choice. This is the epistemic condition Charles Taylor (2007, p. 14) was puzzled enough with as to dedicate his *Secular Age* to the question of how ‘unbelief has become for many the major default option?’⁴ What Taylor aims at is the explanation of epistemic and cosmologic transformations, in which laws depict and are enabled to maintain a ‘self-sufficient immanent order’ (ibid., p. 543). At the same time, laws and political structures themselves are factors in creating specific worldviews and, interdependently, practices over longer (or shorter) periods of time. This applies to religious freedom, the idea of which is a central driver behind secularization processes but also a tool in fostering these. Secularization processes have supported the successive subordination of religion under the authority of the nation-state. In its origins, this inherent relationship between ‘religion’ and the secular state is often dated back to the *Peace of Westphalia* of 1648, marking the end of the Thirty Years’ War (see Danchin, 2007). William Cavanaugh (2009, ch. 3) has argued that an understanding of this war as the ‘wars of religion’ is highly dominant in maintaining the idea of a clear cut between national authorities and religious affairs.

The long historical process that led to the formulation of Article 18 was one in which case law, concrete political interests, and theology had a significant impact on contemporary regulations of religious life (see Hunter, 2014). This has also been found in the process of formulating Article 18 (see Lindkvist, 2013). These more nuanced historical studies of the complex interplay of religion, politics, and law challenge any understanding of religious freedom as a universal code and common

⁴ These ‘many’ people in Taylor’s account are of course a relative number that he himself also does not take as a universal rule but rather as the dominant perspective in the modern West.

notion. Sullivan et al. (2015), in their recent publication *Politics of Religious Freedom*, refer to this history as an ‘often messy story.’ Accordingly, this thesis understands the historical and structural emergence of FoRB as what Peter Danchin (2007, p. 459) summarizes under the notion of a ‘pluralist narrative’ within international legal thinking, avoiding simplistic understandings of how religious freedom has developed through the centuries. The legal and political landscapes that have evolved around and through FoRB are, even if looked at from a pluralist perspective, only one part of this story, which does not yet touch upon the question of universalism versus cultural relativism in the discussion of epistemic frameworks beyond the tradition of Western Enlightenment (ibid., pp. 457–9). This will be discussed below (2.4).

This thesis thus addresses current examples of engagement with FoRB as part of an ongoing process of transformations in which epistemological, cosmological, and anthropological frameworks encounter and shape each other. In the case of FoRB, this is a process in which secular language *about* religion has become dominant, making religion the subject of legal regulations for the sake of presumably higher goals and interests (as the case of the EU will show). While Article 18 of the UDHR is an expression of this process, it becomes even more clear in the formulation of Article 18, paragraph 3 of the International Covenant on Civil and Political Rights (ICCPR) from 1966, which adds the following sentence:

Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

This paragraph has been included into Article 9, paragraph 2 of the European Convention on Human Rights (ECHR), extending the conditions for justified limitations by adding the ‘necessity within a democratic society,’ a qualification that has been influential in recent rulings of the European Court of Human Rights (ECtHR) on Article 9.⁵ Numerous scholars have pointed out that categories of public order (such as public health, safety, and morals) tend to be interpreted in a way that privileges the culture and religious expressions of the majority while sanctioning

⁵ See the ECtHR decision on the ban of the full-face veil in France (S.A.S. v. France (43835/11)).

the practices of minorities (see Beaman, 2012; Berger, 2007; Bhuta, 2014; Evans, 2011; Kayaoğlu, 2014). With a focus on the United States, Winnifred Fallers Sullivan (2005) even proclaims that the realization of religious freedom is inherently impossible due to its entanglements with public order principles and their interpretation against a particular national context.⁶ These legal regulations of FoRB have led to contested Court decisions in which public order principles have privileged majority religious affiliations and orientations, and, in the case of Muslim plaintiffs, secular principles against minority practices and the display of religious symbols in the public sphere (see Danchin, 2011).

2.2 Global politics on freedom of religion (and what's problematic with it)

Despite the contestations around these biases in *domestic* contexts, the international network of actors promoting the right to FoRB has been growing over the past two decades with more and more states, international organizations, and non-state actors taking up the task to promote and protect FoRB *worldwide*. In 1998, the US has adopted the International Religious Freedom Act,⁷ which was linked to the opening of the Office of International Religious Freedom.⁸ In 2013, Canada opened its Office of Religious Freedom⁹ (closed again under the Trudeau government).¹⁰ In 2014, the International Panel of Parliamentarians for Freedom of Religion or Belief (IPPFoRB) was founded in Oslo.¹¹ In January 2015, the European Parliament Intergroup on Freedom of Religion or Belief and Religious Tolerance was established with its own bureau and secretariat.¹² By now national regulations have echoed this development, among them France with the 'Pharos Observatory'

⁶ See also Lori Beaman's (2010) reaction to this, coming to a modified account for the Canadian context.

⁷ <http://www.state.gov/documents/organization/2297.pdf>.

⁸ <http://www.state.gov/j/drl/irf>.

⁹ http://www.international.gc.ca/religious_freedom-liberte_de_religion/index.aspx?lang=eng. The office was opened under the Harper government.

¹⁰ In 2016, the Trudeau government replaced the office by a more general office on human rights, see <http://www.cbc.ca/news/politics/religious-freedom-bennett-dion-human-rights-1.3587518>.

¹¹ <http://ippforb.com/about>.

¹² <http://www.religiousfreedom.eu/about-us>.

project that aims at a country-by-country report on the situation of FoRB¹³ and the *pôle religion* at the French Ministry of Foreign Affairs,¹⁴ the UK in the form of the Foreign Office Advisory Group on freedom of religion or belief as part of the Foreign and Commonwealth Office (FCO)¹⁵—including a toolkit on the promotion of FoRB¹⁶—and Germany has officially announced it will pay special attention to freedom of religion or belief in its foreign policies (with a special focus on Christian minorities).¹⁷

Elizabeth Shakman Hurd (2015) has mapped this development, which includes governments, international alliances, and Non-Government Organization (NGO) and Faith-Based Organization (FBO) engagement with FoRB, stating that ‘[d]espite certain differences, these initiatives share a benign view of religious freedom as a stable and fundamental human right, legal standard, and/or international norm that can be measured and achieved by all political collectivities’ (p. 38). Sullivan et al. (2015, p. 1) testify that ‘religious freedom has been naturalized in public discourse worldwide as an indispensable condition for peace in our time.’ Examples of this view can be taken from the IPPFoRB¹⁸ or the US State Department’s Office of International Religious Freedom.¹⁹ The argument that FoRB is a necessary condition for sustainable development and peacemaking also becomes apparent in the initiatives and research of the Religious Freedom & Business Foundation²⁰ and in statements such as the one made by Ján Figel’, the first EU Special Envoy for the promotion of FoRB outside the EU, linking FoRB to security, violence, and global

¹³ <http://www.pharosobservatory.com>.

¹⁴ <http://www.delegfrance-conseil-europe.org/Pourquoi-un-pole-Religions-au-Quai-d-Orsay-par-Joseph-Maila>.

¹⁵ <https://www.gov.uk/government/news/foreign-office-advisory-group-on-freedom-of-religion-or-belief>.

¹⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/35443/freedom-toolkit.pdf.

¹⁷ http://www.auswaertiges-amt.de/DE/Aussenpolitik/Menschenrechte/Religions_Glaubensfreiheit_node.html.

¹⁸ On its website, the IPPFoRB states that violations of FoRB worldwide are ‘more than just a human rights problem – it affects national and international security as well as wider humanitarian concerns. Situations of religious repression breed instability and foster extremism, generate refugee flows and mass migrations, while threatening other fundamental rights including freedom of expression, association and assembly.’

¹⁹ ‘Religious freedom is protected by the Universal Declaration of Human Rights and integrally connected to social stability, economic development, and national security. Restrictions on religious freedom violate human rights, fuel sectarian tensions, disenfranchise vulnerable minorities, and hinder the ability of faith-based groups to contribute fully to public life and the common good’ (<http://www.state.gov/j/drl/rls/fs/2011/170635.htm>).

²⁰ <http://religiousfreedomandbusiness.org>.

threats, claiming that ‘The problem of systematic murder against ethnic or religious groups [in the Middle East] is a much greater security threat than climate change!’²¹ Knox Thames (2015) sees the need for shared action in the name of FoRB ‘while the world burns’ in the hands of actors such as ISIS and al-Qaeda.

In the face of this increased emphasis on the need for securing FoRB worldwide, Hurd (2015, p. 38) argues that by focusing on such really existing conflicts—often violent and often damaging marginalized groups—with a narrow focus on the issue of religious freedom,

these projects stabilize and amplify particular forms of religious and religious-secular difference, obscure other contributors to social tension and conflict, and favor historically specific understandings of religion, religious subjectivity, and freedom itself. Guarantees for religious freedom are a modern technique of governance, authorizing particular forms of politics and regulating the spaces in which people live out their religion in specific ways.

While Hurd does not neglect the need to respond to situations of violence and human rights abuses, her critique of the politics of religious freedom takes issue with the effects of propagating a particular definition of ‘religion’ and its proper practice. This involves particular categories of ‘religion’ and ‘religious-secular difference’ in creating and upholding hierarchies of power in which secular authority is justified to move forcefully forwards on the costs of what is then defined as ‘wrongfully’ practiced and ‘misunderstood’ religion.

Politicizing and judicializing particular understandings of ‘religion’ in international politics glosses over not only the various other factors contributing to conflict situations but also the indeterminacies and contingencies within the category of ‘religion’ itself. ‘Religion’ has been defined and constructed in the interplay of Western academic, legal, and political traditions (see Smith, 1982; McCutcheon, 1997; 2001; Fitzgerald, 2000; Masuzawa, 2005) that are characterized by an increasing public authority over the religious domain, partly driven by what has taken shape in what José Casanova (2015) has called a ‘European fear of religion’ and what Helge Årsheim (2016b) has described as a ‘secularist suspicion.’ Many

²¹ <https://foref-europe.org/2016/08/03/persecution-of-religious-minorities-in-the-middle-east-urges-eu-to-act/#more-1537> (accessed 4 October 2016).

prominent scholars have characterized the twenty-first century as one in which religion will return to the public sphere and become a relevant matter once again, challenging the powerful narrative of an ongoing worldwide secularization and modernization. One powerful theoretical response to the realization that religion needs to be dealt with in international politics was Scott Appleby's *The Ambivalence of the Sacred* (2000), which discussed religion as both a source of violence as well as peace and hence peacebuilding.

Such a perspective on the return of religion directly feeds into justifications of promoting FoRB. Lindholm et al. (2004, p. xxxi) that FoRB has 'the complex task of protecting religion and its potential for good while permitting certain limitations designed to filter out religion's negative hazards.' This way of picturing FoRB as a remedy to conflict situations around the world corresponds to an

understanding of the root problem (religious revival), what is at stake (liberty), and the institutional mechanisms to defend those values (law and courts), [that] comes effortlessly because it matches our taken-for-granted understanding of the role of the law and courts in defending fundamental liberties and sustaining secularism. (Schonthal, et al., 2016, p. 976)

This is the standard narrative according to which religious conflicts, sectarian strife, and exclusionary or even violent actions against minorities need to be resolved by a secularized legal framework, the realization of a secular rule of law, and the institutionalization of constitutional guarantees for fundamental rights. Yet, empirical research in different locations shows how interreligious conflicts are intensified, rather than mediated, by the involvement of courts. On the basis of their own analysis in Sri Lanka, India, Malaysia, and Pakistan, Schonthal et al. criticize this taken-for-granted narrative. The ideal image of what secular law can achieve in its practical entanglements with diverse socio-political contexts is considered as over-simplistic. They conclude that

to read these accounts as stories of (ideal) law's absence rather than as stories of (actual) law's presence, is to approach social, legal, and political history in a millenarian mode: waiting for the saving power of a perfect law to set things right. (Ibid., p. 981)

This teleology is typical of secularism as an ideology underpinned by motives of modernization and democratization (see Casanova, 2011).²² Challenging this narrative, Saba Mahmood (2016, p. 1) argues that it is modern secular governance itself that contributes to an increased focus on religious differences, exacerbating tensions among different groups and peoples. While there is evidence that different forms of secularism exist around the globe (see Cady and Hurd, 2010), Mahmood (2016, p. 10) points out that the political and national are structuring elements for the regulation of religious difference that appears in similar forms across the world.²³ Secularism is a globalized factor in structuring the lives of peoples. Building on Hannah Arendt's (1979, p. 275) statement that the 'nation had conquered the state, national interest had priority over law,' Mahmood (2016, p. 60) concludes that minority rights and religious liberty today, instead of representing universal principles,

are best understood as strategies of secular liberal governance aimed at regulating and managing difference (religious, racial, ethnic, cultural) in a national polity. Seen from this perspective, neither minority rights nor religious liberty signify a single essence or meaning—both have changed historically, in large part determined by the context of power relations within which they are inserted.

Mahmood also discusses the influence of national interest within the principle of *public order* in Court cases in Egypt as well as at the ECtHR. As a legal principle in international law, public order is manifested in Article 18 of the ICCPR, making necessary a distinction between the public (the sphere of the forum externum of FoRB) and private (the forum internum). In order to grant the nation-state the right to decide itself what is worthy of protection within the public sphere, the ECtHR has introduced the principle of *margin of appreciation*.²⁴ Public order is thus an

²² See also Agrama's (2011, p. 183) critique of how conflict in Egypt is interpreted in the light of the 'country's incomplete secularity.'

²³ See also Bilgrami (2014), who points towards three characteristics of secularism that can be identified across all geographical contexts as 'a stance to be taken about religion' (p. 25), a 'political doctrine' (p. 26), and 'not a good in itself' (p. 27).

²⁴ See the amendments of 'Protocol 15 to the Convention on the Protection of Human Rights and Fundamental Freedoms,' Council of European Treaty Series (CETS) – No. 213, Article 1:

interpretative space given to the nation-state. Following from that, public order needs to be understood as a variable dependent on the national values interests, and political struggles within the territories of states (Mahmood, 2016, p. 164). There is an inherent tension in the message of equality that justifies the idea of a secular state and is reproduced in international politics on FoRB. Building on the principle of public order, this equality and emphasis on the equal relations of all individuals is constantly challenged in the praxis of political secularism (ibid., p. 176).

Despite differences in the specific outcomes of rulings on religious freedom in different parts of the world, the influence of secular law and the majoritarian bias that underlies it present a case for secularism and its entanglement with the nation-state as a normative project that privileges and reaffirms majorities over minorities. Neither secular laws, nor the category of ‘religious minorities,’ nor FoRB, are neutral categories. In mutual interdependence, they are creating the very realities they set out to regulate. The nation-state sits at the heart of this contestation over abstract concepts, judgments and laws, and the really existing social tensions and human suffering.

2.3 Secular fears and the politics of good/bad religion

It is clear that contradictions within FoRB can be found within national and international contexts alike. These are directly linked to the interests and concerns within the context of nation-states. Given these observations, how could one make sense of the increased interest in FoRB over the past two decades? This thesis argues that there is a specific fear underlying those politics, a fear, which, in the scope of this thesis, will be qualified as a particular *secular* fear: It is secular in the sense that it is based on a growing awareness of the fragility and unsatisfactory

‘Affirming that the High Contracting Parties, in accordance with the principle of subsidiarity, have the primary responsibility to secure the rights and freedoms defined in this Convention and the Protocols thereto, and that in doing so they enjoy a margin of appreciation, subject to the supervisory jurisdiction of the European Court of Human Rights established by this Convention’. Protocol 15 follows on an already existing practice of the ECtHR in several cases on Article 9 (FoRB), see, for example, Şahin v. Turkey (44774/98), Article 122; Dahlab v. Switzerland (42393/98), p. 450, Dogru v. France (27058/05), Article 77.

promises of secularism to effectively deal with threats of religious intolerance. Against the background of the standard narrative of religion in Europe and its involvement in the emergence of the nation-state,²⁵ the threats of political religion, ‘Islamism,’ political Islam, and even *public* religion, Islamophobia, and populism, call into question the superiority of the project of secularism. Ambitions to mobilize FoRB as a response to religious actors and networks that are perceived as a threat to secular democratic values helps to construct FoRB as a category involved in defining and distinguishing the good from the bad, or even the evil:

The “ambivalence of the sacred”—the fact that religion spawns both good and evil—has led on the one hand to global pressures to mitigate religious hazards. This in turn has given urgency to questions of how to structure the freedom of religion or belief. In our pluralistic world, the alternatives are stark. Either we must find ways for groups with differing beliefs to live together (which appears to be possible only by respecting freedom of religion or belief, whether through state-enforced protections or through internalizing norms of respect for the dignity and religious choices of others), or we must face constant friction, all too frequent warfare, and the ultimate risk of nuclear Armageddon. (Lindholm, et al., 2004, p. xxx)

Such warnings and rhetoric are a characteristic response to secular fears. What can be subsumed under the right to FoRB is perceived as good, what goes beyond the scope of this right, needs to be limited in order to avoid global disaster. The logic underlying this is what William Cavanaugh has pointed out in *The Myth of Religious Violence*, which is productive in pushing religion towards the private, limiting its influence in the public, and keeping it within the bounds of secular management. Being actively involved in structuring domestic and foreign policies, an understanding of religion as an irrational source of violence that needs to be contained remains a central part of taken-for-granted knowledge about religion (see Cavanaugh, 2009, p. 183). Such strong narratives help to transform the prospect of a global resurgence of public and political religion—passionately debated, for

²⁵ This is in line with José Casanova’s (2015, pp. 8–9) argument that it is primarily secular assumptions that sit behind the new confrontation with religion despite approaches towards some more post-secular reflections on society (e.g. connected to the name of Jürgen Habermas).

example, in the aftermath of the 2011 uprisings in North Africa and the Middle East—into a driver of human rights policies and FoRB (see Hurd, 2015, p. 26)

Elizabeth Shakman Hurd (2015, p. 22) has theorized these dynamics in terms of ‘the two faces of faith’ in order to analyze a ‘discourse that shapes the contemporary global governance of religious diversity.’²⁶ The two faces describe an understanding of religion as either good or bad. Bad religion is perceived as dangerous and in need of control, containment, and disciplinary action. It is understood to be intolerant, close to violence, and sectarian (ibid., p. 23). Good religion, on the other hand, is included into international politics as a vehicle for humanitarian work, human rights, development, countering violent extremism programs, and so on. ‘Good religion has work to do’ (ibid., p. 24).²⁷ This includes the need for knowledge on religion, creating what Hurd calls ‘expert knowledge’ and in turn ‘expert religion’ that is being used by governments and international actors in order to achieve particular goals within foreign politics, being embedded into a ‘civilizing discourse authorized by those in positions of power’ (ibid., pp. 27–30). More fundamentally, this is possible only because

The two faces framework enacts a discursive and political logic that produces its own object (“religion”) and then assigns it causal powers and significance. It treats religion as a self-evident category that exists prior to the social fields in which it is enfolded, making it possible for something called “religion” to be represented as motivating a host of actions, both good and bad. (Ibid., p. 29)

Both Hurd (2015, p. 36) and Asad (2012, p. 39) point towards the influence of anxieties and concerns within processes of defining ‘religion’ at the bottom of which there are long lasting assumptions about the religious/secular-divide (Hurd, 2015, p. 36). Attempts to find a universal definition of religion have traditionally failed because of the sheer complexity of religious diversity and its expressions. While the two faces framework gives orientation for policymakers and practitioners, it rests on unstable categories that get their power from their applicability within given frameworks of religious freedom. The discourse analysis (chapter 4) builds on

²⁶ Hurd picks up an expression used by Tony Blair: ‘All over the world, this battle between the two faces of faith is being played out’ (ibid.).

²⁷ In an older article, Hurd (2012) speaks of the ‘strategic operationalization of religion.’

Hurd's assessment as quoted above, looking for how the EU's approach to FoRB helps to construct 'religion.'

2.4 Re-negotiating freedom of religion or belief

So far, this chapter has outlined that the global politics of FoRB are motivated by deep-seated anxieties about religion that are dependent on secular conceptions of political and legal rule. Rather than overcoming these secular concerns with religion, current politics surrounding FoRB help to manifest and maintain specific understandings of FoRB. The framework of the two faces of faith has gained momentum in current international politics, contributing to a polarization between good and bad practices that are claimed to exist all around the globe. The distinction between good and bad is made with reference to the question whether it supports democracy and the secular state. These contradictions exist within the national domain, originating in the West, but also at the international level. In today's international forums, politics on FoRB do not only have an impact in bilateral and multilateral agreements, they are zigzagging on hidden paths, permeating the outer layers of society and resonating with people on the ground. What conditions follow from this for the production of knowledge on 'religion' and the political use of FoRB?

One point of contestation lies between universalist and cultural relativist approaches to religious freedom (see Danchin, 2008, p. 44). Today's focus on FoRB in international law has the potential to contribute to the general project of rethinking the universalist project of religious freedom in two significant ways, both of which are open to dialogic as well as one-dimensional outcomes. First, secularism and liberalism become scrutinized more thoroughly with regard to the contradictions they present in themselves. Wendy Brown (2015, p. 326) speaks of 'religious freedom's oxymoronic edge,' allowing for new opportunities to destabilize secularism's presumptions. Such a process of destabilization, however, is at the same time likely to provoke counter-reactions and a stronger investment in 'good religion' policies. This is a debate internal to secularist frameworks.

Second, the global scope of FoRB policies brings into play multiple other actors, meanings, and practices around human rights, religious differences, and the role of states and societal actors. These pose challenges to taken-for-granted understandings of what FoRB is about and how it should be regulated (see Brown, 2015, p. 326). At the same time, new knowledge about non-Western contexts pave the way for a politics that is able to (mis)use local ways of life for its own purposes. This offers a perspective on FoRB in which the secular internal debate is opened to external perspectives.

Both internal and external angles are opening up spaces in which a critical rethinking and re-negotiation can take place. What then are grounds that are and can be used as a middle ground? Such rethinking of FoRB and human rights language through a dialogic approach takes neither the universalist nor the culturalist approach as a solution for the problem of religious difference in the twenty-first century. Taking FoRB as a playground for developing new ideas about the living together of different people, Webb Keane (2015, p. 64) asks whether FoRB can be seen ‘as itself helping to constitute an ethical lifeworld without posing it either as liberation *from* the moralities produced in religions or as protecting religions from secular threats *to* the moralities considered peculiar to them?’

These are the two poles that Heiner Bielefeldt, UN Special Rapporteur on Freedom of Religion or Belief, together with Nazila Ghanea and Michael Warner (2016, pp. 1–20), discuss in their commentary on FoRB, namely the religious fear of freedom and the secular fear of religion that are mutually making the promotion of religious freedom such a difficult task. For them, the solution lies in the right to FoRB itself. They stress the universal character of this right by pointing towards the anthropocentric nature of the rights approach, zooming in on human agency and the person as the one who is a bearer of rights regardless of the specifics of his or her belief. However, these justifications of FoRB against many concerns do not address the objections made by scholars that the implementation of the right to FoRB as a universal norm creates particular dynamics on the ground and is changing contemporary religious life.

Peter Danchin (2008), building on Isaiah Berlin, makes use of the concept of *value pluralism* to find a middle ground between cultural relativism and moral universalism, both of which he conceives of as not convincing as theories of

international law in an increasingly interconnected world. Such a middle ground should be characterized by

an unforced consensus [that] must constantly be sought through an intersubjective hermeneutics and philosophy of critical praxis that seeks to mediate between moral maximalism and minimalism—i.e., between thickly developed comprehensive views and mutually recognized minimal norms. (Danchin 2008, p. 53)

According to Danchin, this includes pluralism between diverse value frameworks as well as a pluralist approach towards different values within one framework, challenging a unifying understanding of universal reason and of what constitutes the human as well as demanding careful scrutiny of what elements have led to particularism rather than cosmopolitanism across different cultural contexts (*ibid.*). Focusing on intersubjectivity and a critical praxis, this brings a dimension into thinking on FoRB that does not rely too much on the language and (implicit) assumptions of human rights and religious freedom but shifts the focus towards the realities on the ground and the actual practices of intersubjectivity, encounter, and negotiations of different value orientations. By accepting that values are inherently different in any given socio-political context the negotiation of different values as a complex process of finding ways for living together can help to find middle-ways between values and (minimal) norms.

Against the attempts of Bielefeldt et al. to find a universal justification and application of the idea of human belief in the language of rights, this language itself becomes a particular value context that needs to be scrutinized and brought into dialogue with other understandings and approaches to living together across differences. Instead of judicializing and canonizing a particular configuration of managing religion and exporting it as fundamental law, value pluralism suggests that debates on FoRB should be the subject of intra- and cross-cultural debates in order to mobilize a pluralist and inclusive ethos in the face of polarization and the interconnectedness of various ways of life and value orientations. Paul Brink (2003, pp. 15–7) has identified a middle ground that was reached in the drafting process of the UDHR, negotiating the idea of human rights in the context of various different backgrounds—philosophical, theological, and religious views and convictions.

Building on the success in harmonizing these differences in the drafting process (and in opposition to Rawls's idea of public reason, Brink develops a theory for a middle ground in which everyone has to be able to take the position of the 'hearer' and of the 'speaker,' and thus be able to formulate your own position while also listening and accepting the language of the other (see Brink, 2003, pp. 19–20). Keeping in mind that Article 18 of the UDHR is privileging some religious positions over others, the success of finding this middle ground within the drafting process should not be taken as a valid compromise for other contexts. Rather, the success of agreeing on a particular set of norms in the UDHR should be seen as one example on an intersubjective hermeneutics and critical praxis that Danchin argues for. Most importantly perhaps, it is a process that needs to be 'constantly sought,' a continuously renewed engagement with the other in which the UDHR, and in this context especially Article 18—but also other foundations of rights and sources for a flourishing living together—are involved in dialogue and a continuing process in which contemporary questions call for new and local answers, that sometimes require a negotiation of universal ideas.

What follows from this is that FoRB rather than being a universal value in itself and as such central to foreign policies, needs to be understood as an element of negotiation that is open to different interpretations and practices. The (de)construction of 'religion' and its entanglement with global politics and local environments are a crucial aspect of this. FoRB is situated at the heart of this process and thus presents a case to critically rethink political power configurations and opportunities for alternative approaches.

This chapter has argued that the current landscape around new initiatives on FoRB is pervaded by secular assumptions about 'religion.' Furthermore, the growing awareness of the relevance of religious actors and movements in politics triggers new strategies to encompass 'religion' within secular international law and to domesticate it under national authorities. The central claim of this chapter was that this reaction is based on a particular secular fear, namely the fear that secular legal arrangements might not be able to fulfill their promise to effectively deal with religious intolerance and violence. This thesis argues that these dynamics make it necessary not only to critically analyze policies on FoRB and their impact, but to also take them as an expression of this fear, calling for a more nuanced

understanding of the anxieties, doubts, and uncertainties that come along with these new initiatives. The next chapter will introduce the framework of EU foreign policymaking and how this is involved in defining and constructing 'religion.'

3. EU foreign policymaking and the construction of knowledge

I have to admit that I did not recognise it at first glance, but the people [in Egypt] who are demonstrating on the streets, the people who are leading this revolution, have anything but a religious state on their minds. They want secularism. They want civil democracy. These are our partners. We need to work together with these people to make this a great opportunity for Europe.²⁸

[C]an I say in relation to religion generally that I find this House in particular one of the most intolerant places for people who hold religious beliefs. There are people whom I have supported and issues I have supported like gay partnership, votes for prisoners—I have introduced bills for that—but when I stand up and say something that comes from my religious conviction—as a lot of my views do—they are dismissed as if I were from some strange planet.²⁹

These two quotes indicate how the secular serves as a category of distinction and division in the EU's foreign orientations as well as in its internal procedures and deliberations. Academics have shown an increased interest in understanding the relation between religion and law within the EU. However, the question of secularism and the construction of 'religion' are underexplored in the discussion of the EU's foreign affairs. Foreign politics, at the same time, present a field where different conceptions of 'religion' and 'freedom' are likely to encounter each other, and where, following Danchin and Brown, windows of opportunity can be sought to engage in a critical rethinking of power dynamics and alternative approaches to social tensions and, in the case of FoRB, religious difference.

Before looking more thoroughly at the construction of 'religion' in EU foreign policy discourse, this chapter will look at EU policy frameworks more generally, especially its legal foundations and guiding principles regarding FoRB. What are the important institutions for policies on FoRB, who are the relevant actors, what is

²⁸ Martin Schulz, European Parliament Debate, 2 February 2011.

²⁹ Gay Mitchell, European Parliament Debate, 12 June 2013.

the legal basis of the EU's external action on FoRB? One might expect that the EU, due to its regional and multi-national character, might be able to escape the narrow logic of national and majoritarian concerns with religion for which the regulation of FoRB has been criticized. Yet, in a recent study, François Foret (2015, p. 254) comes to the conclusion 'that flexibility when dealing with religion is inversely proportional to proximity to the center and to the definition of the EU as a political community.'³⁰ Indicating that religion does matter for the political identity of the EU, Foret shifts the focus on the pragmatics of foreign policies. For the purposes of this thesis, this raises the question how this flexibility plays out in policies on religious freedom. Rather than being a category that is applied coherently according to universal standards, flexibility in practices around religion suggests that FoRB is dealt with in response to specific power dynamics, concerns with political legitimacy, and anxieties with regards to religion.

3.1 Freedom of religion in the framework of EU foreign policymaking

FoRB is increasingly of interest at the EU level both in the contexts of domestic and foreign policymaking. For the purposes of this thesis, the distinction between domestic EU laws and the law and policymaking of the member states will not be discussed. In the institution of the European Court of Human Rights (ECtHR) and the European Court of Justice (ECJ), the EU's engagement with FoRB has an internal instrument of checks and balances.³¹ Heavily criticized by some for reasons of majoritarian, secular, and Christian biases (as stated in the previous chapter),³² these legal debates feed into the academic reflection on the role of religion in

³⁰ See also Mudrov (2016), who elaborates on the religious components of European identity that are normally not considered influential in the secular project of the EU.

³¹ Article 275 TFEU explicitly excludes the Common Foreign and Security Policy from the jurisdiction of the ECJ.

³² Some prominent cases at the ECtHR are *Dahlab v. Switzerland* (42393/98); *Dogru v. France* (27058/05); *Şahin v. Turkey* (44774/98); *S.A.S. v. France* (43835/11); *Lautsi and others v. Italy* (30814/06); *Kokkinakis v. Greece* (14307/88); *Otto-Preminger-Institut v. Austria* (13470/87). For critical reflections on these cases, see Bhuta (2014), Evans (2011), Kayaoğlu (2014), and Danchin (2011).

secular, or potentially post-secular, societies, and especially the role of Islam within these (see Mavelli, 2012). Following the publication of the Lisbon Treaty and its amendments to the Treaty of the European Union (TEU),³³ religion has received more attention as a relevant domain of EU law (see Doe, 2009).³⁴ This includes freedom of religion (see Doe, 2011, p. 244). Article 6.1 of the Lisbon Treaty declares that the Charter of Fundamental Rights of the European Union from 2000 ‘shall have the same legal value as the Treaties.’ This includes Article 10 of the Charter, which guarantees freedom of religion and is identical to Article 9.1 of the ECHR. Being part of the official sources of EU law, this fundamental European regulation is legally binding for member state governments and EU institutions alike.

The amendments of the Lisbon Treaty to the TEU have rebranded and restructured the EU’s common foreign and security policy (CFSP) (see Whitman and Juncos, 2009, pp. 28–9). This includes an enlargement of the office of the High Representative of the Union for Foreign Affairs and Security Policy (also the Vice President of the Commission, HR/VP), first established under the Treaty of Amsterdam in 1997, now in charge of the 2010 created European External Action Service (EEAS), and chair of the Foreign Affairs Council (FAC).³⁵ FoRB has become more and more relevant in the EU’s external actions as part of its general focus on human rights policies. In the EU’s action plan on human rights for the years 2015 to 2019, FoRB was included with more concrete objectives for the EEAS, the Commission, and EU member states.³⁶ The Instrument Contributing to Stability

³³ The Preamble of the Lisbon Treaty includes a direct reference to the religious heritage of Europe: ‘DRAWING INSPIRATION from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law.’ Article 17 of the Treaty on the Functioning of the EU (TFEU) states ‘[1.] The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States. [2.] The Union equally respects the status under national law of philosophical and non-confessional organisations. [3.] Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.’

³⁴ Some observe a more substantial interest of the EU in religious issues; see Grötsch (2009) and McCrae (2009).

³⁵ Article 27.3 TEU. See http://eeas.europa.eu/headquarters/headquarters-homepage/82/about-the-european-external-action-service-eeas_en_en (accessed 14 October 2016); for the Foreign Affairs Council see <http://www.consilium.europa.eu/en/council-eu/configurations/fac> (accessed on 14 October 2016).

³⁶ See http://eeas.europa.eu/sites/eeas/files/eu_action_plan_on_human_rights_and_democracy_en_2.pdf and especially FoRB, objective no. 12 (last accessed on 15 October 2016). The previous action plan was less specific, see

and Peace (IcSP) and the European Instrument for Democracy and Human Rights (EIDHR) are the main funding instruments for the EU's external action on democracy and human rights.³⁷ As part of the EIDHR, 5 million of a 20 million call for projects on combatting discrimination in 2013 were dedicated to initiatives on FoRB.³⁸

The EU's foreign policy philosophy on FoRB in third countries is outlined in central policy documents, such as the Council Conclusions on freedom of religion or belief from 16 November 2009, the Council Conclusions on intolerance, discrimination, and violence on the basis of religion or belief from 21 February 2011, and the Guidelines on the promotion and protection of freedom of religion or belief from 24 June 2013.

The EU discourse on FoRB also includes the European Parliament (EP), which is included into foreign policymaking in the institution of the Committee on Foreign Affairs (AFET), and the subcommittee on Human Rights (DROI).³⁹ However, besides this, the EP's competences in foreign policymaking are limited to (moral) support of human rights defenders, symbolic action, and resolutions and recommendations, the implementation of which is subject to considerations at the Commission and EEAS (including the HR/VP) (see de Jong, 2015, pp. 167–9). Since January 2015, the Parliamentary Intergroup on Freedom of Religion or Belief and Religious Tolerance takes an active part in the monitoring of EU action and reports annually on the worldwide state of FoRB.⁴⁰

https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf (last accessed 15 October 2016).

³⁷ See the Fact Sheet on the EU Action Plan on Human Rights and Democracy 2015–2019, EEAS, Brussels 20 July 2015.

³⁸ See the 'EU Annual Report on Human Rights and Democracy in the World in 2013,' Council of the European Union (11107/14), p. 84.

³⁹ See Annex VI, point I of the Rules of Procedure of the European Parliament, especially I.8 of the annex dedicated to 'issues concerning democracy, the rule of law, human rights, including the rights of minorities, in third countries and the principles of international law.'

⁴⁰ <http://www.religiousfreedom.eu/about-us> (accessed on 18 October 2016).

3.2 The construction of professional knowledge on 'religion'

In a short piece, Merete Bilde, policy advisor at the EEAS, sums up some of the problems within EU policy circles when encountering a growing relevance of religion within (international) politics. She asks,

How does our predominantly secular worldview affect the formulation of foreign policy? How is it affected by our own values and our own understanding of history? Do we implicitly project our “domestic religious experience” abroad? [...] that is a central policy challenge that is simultaneously difficult to handle and impossible to ignore. (Bilde, 2015, p. 158)

This reflects what the two epigraphs, at the beginning of this chapter, shed light on. The secular serves as a distinctive (even if unconsciously reproduced) line with an inclusive as well as an exclusive function in foreign policymaking and in internal debates and value orientations. The next chapter will analyze how 'religion' is constructed within the EU Guidelines on FoRB as well as in EU policy documents before and after the Guidelines' publication. This will help to assess the impact of the Guidelines on the ways in which 'religion' is understood and dealt with in the EU's external action.

As stated in the Introduction of this thesis, the field of foreign policies is treated as a sphere of knowledge production, where understandings and definitions become shaped according to specific interests. Speaking of discourses around the definition of 'religion' does not mean that those definitions necessarily follow the clear intentions of a person or institution. Instead, the discursive construction of 'religion' in the context of FoRB addresses the language used in legal documents, in debates within Parliaments, in speeches, press releases, and so on and is situated within a framework of references in which a particular language makes sense. The particular usage of language and a particular way of defining 'religion' follow, as Talal Asad remarks, from a variety of rational and irrational entanglements, enabling a particular way of applying the term 'religion':

Defining what is religion is not merely an abstract intellectual exercise; it is not just what anthropologists or other scholars do. The act of defining (or redefining) religion is embedded in passionate disputes; it is connected with anxieties and satisfactions, it is affected by changing conceptions of knowledge and interest, and it is related to institutional disciplines. (Asad, 2012, p. 39)

In an earlier version of this chapter, Asad (2009, p. 398) speaks of the specific ‘grammar’ in which language becomes enabled as a signifying tool. This grammar ‘is not a limitation to what can be said, it is only the limit, the condition for speaking *competently* in a particular discourse.’ From this perspective, the question is not so much what *is* actually said within discourses on FoRB. Instead, the more relevant question is how statements, formulations, definitions, etc. are *qualified*. It points towards the question of where the line is drawn around acceptable, workable, and desired language. In turn, there are options and possible alterations of this language that lie outside this particular discourse. To identify this line within foreign policy discourses on different levels (in this thesis on the level of the EU Guidelines and the level of actual practices and the implementation of projects on FoRB in Indonesia) is to analyze what knowledge on ‘religion’ becomes authoritative, acceptable, and professional, and what forms of religious practices and ways of life are excluded from the framework of FoRB. In other words, what religious expressions fall legitimately under the banner of ‘freedom’ of religion? This also includes the question of what language *about* religion is included into politics, law, and larger organizational circles such as NGOs, FBOs, etc. that are dependent on funding.⁴¹

The Guidelines on the promotion and protection of freedom of religion or belief (henceforth, the Guidelines) from 24 June 2013 are a significant step in harmonizing EU initiatives on FoRB. While much can be said about the actual intentions of actors in foreign policymaking, the various interests at stake, the roles, functions, and responsibilities of EU bureaucrats and administrative staff, the language of legal documents itself is involved in creating particular knowledge and standards in the context of FoRB. The analysis will look at the construction of ‘religion’ within

⁴¹ This mirrors the distinctions that Hurd developed in *Beyond Religious Freedom: lived religion, expert religion, and governed religion*.

these documents and will contribute to a more nuanced understanding of how and why particular understandings of 'religion' become more dominant than others.

3.3 Critical discourse analysis

The discursive study of language (and hence text) in the tradition of a critical social theory (prominently represented by Michel Foucault) is called critical discourse analysis (CDA). In a recent introduction by Norman Fairclough, CDA has to be understood as both a critical and explanatory critique in that it evaluates discourses in the light of specific presumptions and standards, and in that it aims to explain discourses as effects and expressions of structures and forces (see Fairclough, 2012, pp. 9–11). For the study of policy documents in the context of this thesis, this means to look at texts designed for the specific purpose of shaping political practice, being enacted, operationalized, and inculcated, which will be evaluated and explained against the background of a constructivist understanding of 'religion' and the critical focus on FoRB as developed in the field of secular studies. Policies on FoRB, from a CDA perspective, are 'social realities as humanly produced constraints, which in certain respects unnecessarily reduce human flourishing or well-being and increase human suffering' that can be explained and opened for processes of transformation (see Fairclough, 2012, p. 10). The objects of CDA are both material and semiotic. The material dimension of the objects of this research needs to be understood broadly. It includes political action, concrete measurements and the implementations of policies by the EU. The semiotic dimension of policies on FoRB refers to the meanings, understandings, and interpretations that play a role in FoRB and, in this thesis, surface in the construction of 'religion,' underlying these policies.

The EU Guidelines are supposed to structure the work of EU diplomats and desk officers in third countries in which they have to apply the language of the documents to various contexts in their actual environment (see Foret, 2015, p. 251). This can be a highly complex task since the social realities might not be easily

translated into policy language and vice versa (see de Jong, 2015, p. 179). Teun van Dijk (2012) makes clear that discourses require a sphere of shared knowledge. He defines knowledge as ‘justified belief shared by the members of an (epistemic) community’ (p. 587). This means that the discourse on ‘religion’ within the EU Guidelines needs to be understandable and applicable across a wide range of addresses. It also needs to be translatable into concrete action so that desk officers are able to decide under which circumstances the freedom of religion or belief has actually been violated, and that is, to distinguish cases involving religion from other cases.

Norman Fairclough (1995, p. 28) targets what can be described as the assumption that ‘background knowledge’ or ‘common sense’ on which particular interactions rest are presumed to be non-ideological. Secularism, by presuming its neutrality towards ‘religion,’ obscures its own preferences and biases with regard to religion and needs to be studied as an ideological formation in itself (see Agrama, 2011, p. 184; Asad, 2003, p. 16). Taken-for-granted notions of particular interrelations between religion, law, and politics, for example, need to be critically questioned as Schonthal et al. (2016) demonstrate convincingly. Already in 1998, Thomas Carothers has pointed out how the rule of law paradigm has become a taken-for-granted solution to conflicts around the world.⁴² Michael Bergunder (2014), from a religious studies perspective, argues that the problem with all attempts to define ‘religion’ is that they do not address the ‘unexplained, yet consensus-capable’ level of religion-talk that derives from specific everyday notions underlying ‘religion’ (p. 253). Kocku von Stuckrad (2010, pp. 158–9) speaks of the ‘episteme and discourse of the time’ in which religion is understood and institutionally defined. This takes place in contexts of power and particular interests, themselves expressions of epistemes in which particular actions and meanings, material and thought, are structurally connected (‘unified’).

The legal language published on religion and FoRB, disseminated across the globe by the EEAS, is one of the contributors to such common sense understandings of religion and their further ‘naturalization’ as Fairclough (1995, p. 24) coined it:

⁴² For a critical perspective on this development, see Upham (2006).

The dominance of one [ideological discursive formation] over others within an order of discourse results in the naturalization of its (ideological) meanings and practices.

In this statement, the heritage of critical social theory within CDA becomes visible. Not only does CDA aim to explain the discursive struggles that have led to the formation, dissemination, and acceptance of specific forms of knowledge, an approach central to which is an inclusion of power relations underlying the construction of knowledge (see Hjelm, 2016, p. 16). Rather than focusing on language as such, CDA takes in itself a position that is engaged with society and the societal effects of the texts it studies. It is concerned rather with the social than with the linguistic (see Blackledge, 2012, pp. 616–7). With regard to FoRB, this is related to two issues. First, as Hurd (2015; 2012) and Asad (2012) point out, the definition of ‘religion’ is inherently related to the creation of authoritative knowledge and expert positions on questions arising in decision-making processes around FoRB. Secondly, on an international level, authoritative knowledge on FoRB puts particular actors and their presumptions around ‘religion’ in positions of power over other actors who do not have the means to protect their own knowledge.

3.4 Research design

Titus Hjelm (2016) argues for the need of a critical discursive study of religion (CDSR) in order to analyze how religion is involved in reproducing and transforming social inequalities, how religion and religions are (de)legitimated, and in order to explain ‘the dialectical processes of public discourse and constructions of religion’ (p. 30).⁴³ It is in this critical moment that Hjelm moves beyond the scope of what Bergunder sets out to achieve in his approach, adding an evaluative layer to the discursive study of religion. Helge Årsheim (2016, pp. 292–3) discusses the field of law and religion as an *epistemic* nexus, following von Stuckrad, in which both law

⁴³ Similarly, Fairclough (1995, p. 28) speaks of the ‘dialectical relationship between structure and action.’ This enables an analysis of how meaning unfolds in relation to a specific set of objects, laws, and concrete societal tensions and conflicts.

and religion are discursively entangled in the production of particular knowledge. He, too, reflects on the power dynamics between the (secular) rule of law, public order, and processes of a juridification of religion that shapes religious life in particular ways.

Following on Årsheim's study of the discourse of the Special Rapporteurs on Freedom of Religion or Belief,⁴⁴ this Chapter conducts a textual analysis of policy documents at the EU level in order to answer the first part of the over-all research question of this thesis: How is 'religion' constructed in the discourse of EU foreign policymaking on FoRB? Årsheim's theoretical and methodological approach is highly relevant for the study of law and religion and the question addressed in this thesis. His study of the usage of concepts of 'religion' over a time frame of five decades offers insights primarily into the changes in the offices of the Special Rapporteurs and their priorities when working on FoRB. Rather than looking deeply into the specificities of the particular knowledge on 'religion' that is produced and productive in these offices, Årsheim's study shows that shifts in the office and the work of the Rapporteurs has an influence on understandings of and policies around 'religion,' responding to changing political and religious circumstances around the world. Arguing for a 'more critical and culturally sensitive approach' to law and religion (Årsheim, 2016, p. 313), he is one of the pioneers in this field of research.⁴⁵

Building on Hjelm and Årsheim, the focus here is to analyze how 'religion' is understood in FoRB policies and what assumptions about religion sit behind this. The analysis is therefore less historical in its outlook than Årsheim's. The central document that has been analyzed are the EU Guidelines. Based on this first analysis, the sections on FoRB in the annual reports on democracy and human rights by the Commission are analyzed, as well as the reports by the European Parliament Intergroup. To contrast the policy language of the analyzed documents with the rhetoric of Parliamentary debates, the debates on the Guidelines within

⁴⁴ Årsheim (2016) suggests a mixed method approaches and a multi-scalar approach to investigate the discourse of the Special Rapporteur on Freedom of Religion or Belief and how it plays out on different levels, adding to a more complete picture of this institution. Chapter 5 of this thesis follows such a multi-scalar perspective.

⁴⁵ Note that Årsheim's chapter is published in a special edition on the discursive study of religion that does primarily aim at an increased awareness of the religion and law field and its relevance for an epistemic discourse analysis.

Parliament will be looked at with regard to the central codes and concepts of the previous analysis.

The method for textual analysis chosen for this research is based on Monique Hennink, Inge Hutter and Ajay Bailey's *Qualitative Research Methods* (2011, ch. 10). The research design includes inductive and deductive approaches to the data. The Guidelines served as the central reference point for the rest of the analysis since they function as a harmonizing element in the EU's external action on FoRB. The Guidelines were the main source for an inductive reasoning to arrive at central concepts for the analysis. This was combined with a deductive development of central concepts from the literature discussed in chapter 2. Concepts and findings from the analysis of the Guidelines were used to analyze the broader EU perspective on FoRB in foreign policymaking and the drafting process of the Guidelines as far as available via the official EU documentation services.

This chapter has shown that the EU's foreign policy framework is increasingly engaged with FoRB and thus participates in the broader political and legal landscape outlined in chapter 2. At the same time, there are no studies on how these policies construct 'religion.' The next chapter aims to fill this gap. The ways in which 'religion' is constructed at the EU level responds, on the one hand, to international ambitions and foreign policy goals, central among which are democratization and rule of law implementation, and to the domestic context and the experiences with 'religion' under the authority under the nation-state on the other. The EU as a supra-national institution differs from other actors in the field. Yet, as the following analysis will show, the construction of 'religion' is heavily influenced by fears around the authority and superiority of the nation-state. Hence, the argument presented here is that the EU's policies on FoRB reaffirm the logic of nation-state reasoning and that the EU, when dealing with 'religion' cannot escape this structure.

4. The making of 'religion' in EU foreign affairs on freedom of religion or belief

This chapter will answer one of the main research questions of this thesis: How is 'religion' constructed in EU foreign policymaking on FoRB? The question is split into two sub-questions: What do policies on FoRB protect? What do they promote? Both sub-questions follow from the specific nature of policy discourse. While neither the Guidelines nor other policy documents offer any concrete definitions of 'religion,' they are nevertheless based on specific claims about 'it,' that is, they make sense on the basis of a particular underlying concept of religion. They are part of the broader framework of human rights language and democracy promotion, typically having two key components: they address the individual as the bearer of rights and they call on the state as the institution that has to guarantee human rights. In order to infer what knowledge on religion is produced in these policies, the two sub-questions offer a way to operationalize central aspects of the discourse on FoRB and human rights more broadly. At the same time, as will become clear in the subsequent sections, the terms 'protection' and 'promotion'—as central markers within the discourse and hence inductively identified conceptualizations of FoRB—need to be reflected on as in themselves contributing to a particular knowledge on 'religion.' Instead of following the political rhetoric, protection and promotion are used as codes to arrive at broader categories and conceptualizations. Again, this does not lead to any claims about what religion *is* but will answer the question of how religion is *constructed*.

4.1 The construction of 'religion'

In answering these two sub-questions, the following section will show that EU foreign policymaking on FoRB constructs 'religion' primarily as

- (1) A capacity of the individual, available to 'everyone everywhere,' which, while being located within the individual, is at the same time an object of

- choice, reachable through individual free will, making it more flexible and adaptable than, for example, gender, sexual orientation, or ethnicity as more 'heavy' identity markers;
- (2) Vulnerable on both the individual as well as the collective level, presenting religion as something that requires protection through the (secular) state in order not to be violated or manipulated;
 - (3) Either good or bad, that is, as conducive or as a threat to democracy, development, and the rule of law, making religion an evaluative category within the broader framework of human rights and democracy promotion.

The argument presented here is that all three distinctive characteristics of 'religion' (read: religion according to the EU foreign policy discourse on FoRB) are feeding into each other, creating legitimacy and plausibility for the EU's politics on religion. While FoRB is claimed to be a neutral legal category responding to the needs and rights of individuals, this chapter will suggest that FoRB becomes a strategy to promote a specific way of life and religious practice. This will be condensed in the argument that FoRB serves as a positive definition of religion. The construction of 'religion' as individual, vulnerable, and either good or bad crystallizes in the Guidelines and is supported by the broader EU approach towards FoRB. Rather than having a significant impact. The impact of the Guidelines is most dominant with regard to the distribution of its language in statements and speeches. It is consistent with previous statements on FoRB within EU foreign affairs. However, the analysis will show that there is a difference between the official use of language in EU external action and the rhetoric in the European Parliament (EP), where there is a trend to align FoRB with the protection of Christian minorities.

Religion as individual belief

The individualism underlying the EU's approach to FoRB becomes visible in all of the analyzed documents. This is no surprise since it is inherent to international human rights language focusing on individual persons as holders of rights. Religion as individual belief is situated within four key aspects within FoRB

discourse: (a) belief as an individual cognitive operation; (b) the individual as the neutral focus of secular EU policies; (c) the individual as the capacity where several human rights are interrelated and need to be harmonized; and (d) individual belief as more flexible than other dimensions of identity.

(a) The language of the Guidelines strongly focuses on the right to *choose, change, or leave* a particular religion.⁴⁶ Article 7 clarifies that ‘the EU focuses on the right of individuals, to believe or not to believe, and, alone or in community with others, to freely manifest their beliefs.’ The individual character of FoRB is formulated as an absolute sphere that may under no circumstances be touched by the state or anyone else.⁴⁷ The ultimate object of protection is the capacity of everyone to choose and attach meaning to whatever they see fit. This includes the right not to have a specific religion or belief. The focus lies on the individual ‘regardless of who they are, where they live, and what they believe or do not believe in.’⁴⁸ People are protected in their free will to form a belief. The public manifestation of the belief is included as the *forum externum*. This is a second order dimension of belief, however: the exercise of FoRB ‘*may thus also have* a collective aspect.’⁴⁹ The claim that persons need to be protected in their right to believe individually, regardless of what context they live in, presupposes that the very act of believing is a cognitive operation available to every human being and that it can be demarcated from other cognitive operations. While the Guidelines state that belief takes various forms in how it is publicly manifested, it is the conscious act of believing, which is a priori to all external expressions of this belief.

(b) The focus on the individual is interrelated with the EU’s arguments and active attempts to prevent the inclusion of defamation of religion as a right covered by FoRB. In 2011 and 2012, this was emphasized with regard to FoRB, in 2013 and 2014 in the context of freedom of opinion and expression.⁵⁰ The individual is central in this regard in order to find a way to focus on FoRB without undermining

⁴⁶ Guidelines, Articles 2, 10, 11; Human Rights and Democracy in the world: report on EU action in 2011, p. 73

⁴⁷ Guidelines, Article 12.

⁴⁸ Guidelines, Article 16.

⁴⁹ Guidelines, Article 18.

⁵⁰ See Human Rights and Democracy in the world: report on EU action in 2011, p. 9; EU Annual Report on Human Rights and Democracy in the World in 2012 (Thematic Reports), p. 92; EU Annual Report on Human Rights and Democracy in the World in 2013, pp. 162 and 165; EU Annual Report on Human Rights and Democracy in the World in 2014, pp. 147, 152, 254.

the EU's claims to be neutral with regard to religion, as made explicit in the Guidelines:

The EU does not consider the merits of the different religions or beliefs, or the lack thereof, but ensures that the right to believe or not to believe is upheld. The EU is impartial and is not aligned with any specific religion or belief.⁵¹

The individualism within human rights language enables the EU to protect religious belief. Any claims to protect a belief as such, on the other hand, are sharply criticized within the discourse on FoRB as undermining the rights of individuals. The individual as the person holding a belief is thus critical to the EU's possibilities to address FoRB.

(c) The depiction of religious belief as interrelated with other human rights is central to the focus on the individual within FoRB, particularly freedom of opinion and expression.⁵² While religion is thus on the one hand constructed as an absolutely personal affair that must not be touched by others or state authorities, it becomes at the same time conceptualized as necessarily flexible and contingent. In the encounter with other opinions and beliefs in the public sphere, religious beliefs are described as being able to adapt to these encounters. By stating that '[c]ertain practices associated with the manifestation of a religion or belief, or perceived as such, may constitute violations of international human rights standards,'⁵³ individual religious belief is located within the private sphere while its public manifestation needs to be flexible in order to avoid collisions of human rights. Explicitly mentioning that some practices might be 'associated with' or maybe even only 'perceived as' a religion or belief contributes to the idea that public manifestations are less stable and central to religious life than internal belief. They are not framed as *being* a manifestation of a belief. Association and perception are open to misunderstandings, misinterpretation, and hence also to correction. Special emphasis is put on the statement that 'the EU is guided by the universality, indivisibility, inter-relatedness and interdependence of all human rights, whether

⁵¹ Guidelines, Article 7.

⁵² Guidelines, Article 25, also marking the second priority area of action.

⁵³ Guidelines, Article 26.

civil, political, economic, social or cultural.⁵⁴ This leaves relatively little room for religious belief, which—in order to be protected—needs to adapt to this central human rights commitment in the EU discourse on FoRB.

(d) The idea of religious belief as something internal to every human being is at the same time not presented as a dimension of human identity. Rather, it is understood in relation to *other* aspects of identity. The Guidelines particularly mention acts (in the name of religion) that violate ‘persons on the basis of their sexual orientation or gender identity.’⁵⁵ While belief is on the one hand inherently personal, it is yet more flexible and open to interpretation than other identity markers. Being at its core a cognitive operation, the statement suggests that it also needs to be capable of embracing people’s identities whatever they are. Belief, which is worthy of protection and promotion, is not in conflict with sexual orientations or gender identity.

The Guidelines’ opening sentence states that ‘[t]he right to freedom of thought, conscience, religion or belief, more commonly referred to as the right to freedom of religion or belief (FoRB) is a fundamental right of every human being.’⁵⁶ The focus on the individual became increasingly visible in the drafting process of the Guidelines, where free choice, the right to believe or not to believe as well as the right to change one’s religion were highlighted as a necessary addition to a first version of the text which was concerned with FoRB’s ‘private and public expressions, as well as [...] its individual, collective and institutional dimensions.’⁵⁷ The increased focus on individual belief and its relationship with other aspects of human life are interrelated with a stronger focus on human rights language. The result of this is that religion can only be addressed competently as an individual capacity, as absolutely free in its internal dimension, and as yet flexible and contingent in comparison with other aspects of human identity.

⁵⁴ Guidelines, Article 4.

⁵⁵ Guidelines, Article 26.

⁵⁶ Guidelines, Article 1.

⁵⁷ European Parliament Committee on Foreign Affairs, Draft report (2013/2082(INI)), 30.4.2013. See Amendment 38 (PE510.559v01-00), 13 May 2013 and the compiled document that was presented to the EP (A7-0203/2013).

Vulnerability is the key characteristic of ‘religion’ that enables the EU to pursue human rights based policies on religion—justifying the need for protection through EU external action. It seems almost too obvious to point out that without vulnerability, there is hardly any justification to pursue political agendas on FoRB. This is not a redundant criterion, however, since the increased emphasis on the need for FoRB in international politics does at the same time constantly reaffirm the notion of religion as vulnerable and in need of protection from both state and non-state actors. Vulnerability is a decisive contributor to ‘religion’ under FoRB, precisely because it seems so obvious.

Religion is constructed as vulnerable on two different levels. On the first level, religion is vulnerable in the sense that religious belief contributes to a person’s (or group’s) vulnerability. This means that a person is more vulnerable than not because he or she holds a particular belief. This is expressed, firstly, by emphasizing the duties of states to protect individuals and particular communities: The ‘primary role of states in ensuring freedom of religion or belief’ is the third principle of action formulated in the Guidelines.⁵⁸ By constantly repeating the duty of states to protect individuals and groups in terms of their religious orientation, the idea that religion makes people more vulnerable and increases their need for protection is reaffirmed as a dominant part of the discourse. Secondly, it is expressed by pointing out the various forms of mistreatment of people. In this, states also play a prominent role, namely as the perpetrators of violence and discrimination.⁵⁹ And thirdly, there is a case of collective vulnerability, which is emphasized by establishing particular relationships of dependence for persons *belonging* to minorities and hence being exposed and in a weak position.⁶⁰ ‘Belonging’ signifies a passive dependency. Religious belief is here less an object of choice but specific condition of life, which exposes people of minority faiths.

⁵⁸ See in the Guidelines, Articles 21 – 24.

⁵⁹ See several references in the Guidelines on how states imprison, take away, disown, disinherit, (Article 38), restrict, deny, punish, unduly require (Article 41) and control (Article 42.b) on the basis of religion or belief.

⁶⁰ The term ‘belonging’ is, with one exception, solely used in the context of ‘persons belonging to religious minorities,’ see Articles 10, 22, 31, 32.b, and 55.

Minorities are constructed as the most vulnerable groups. Referring to them in the passive language of ‘belonging’ makes them less an addressee of reformist agendas than other individuals who are framed in terms of individual free will and cognitive flexibility. Focusing on minorities is a dominant constituent of vulnerability. At the same time, it demarcates persons of the majority as capable of changing their belief into a direction that helps protecting more vulnerable people.

On a second level, religious belief itself is depicted as vulnerable. This is voiced in the concerns that beliefs can be used for purposes that violate individual rights and/or groups. Religious belief is open to various interpretations that, if not resisted, have the potential to fuel conflict and violence. In the Guidelines, this is most explicit when violence or discrimination on the basis of religion or belief is ascribed to particular religious traditions. On the issue of discrimination, the Guidelines state that ‘[b]eliefs or practices that are, or allegedly are, traditional are often used to justify discrimination or coercion on the basis of religion or belief.’⁶¹ Vulnerability is not attached to persons but to belief itself, particularly traditional belief. It is described as being open to misuse for discriminatory and coercive actions. In this sense, religion itself needs to be protected and distinguished from certain interpretations, manipulations, and ideological claims. The insertion ‘or allegedly are’ is hinting at the possibility of misinterpretation and false knowledge about religious traditions. In this context, the distinction between ideology and religion is relevant, a distinction that the Guidelines explicitly make: ‘violence may be committed by state or non-state actors, based on the actual or assumed religion or belief of the targeted person or based on the religious or convictional/ideological tenets of the perpetrator.’⁶²

In the context of the rest of the Guidelines, this can be contrasted with the term ‘philosophical tradition’⁶³ or the references to ‘philosophical’ organizations and associations,⁶⁴ which are framed as possible partners for the promotion of FoRB.⁶⁵ At no point do the Guidelines elaborate on what characterizes the differences

⁶¹ Guidelines, Article 36.

⁶² Guidelines, Article 29.

⁶³ Guidelines, Article 14.

⁶⁴ Guidelines, Articles 43, 46, 67, 70.

⁶⁵ This is further supported by the alignment of ‘philosophical and non-confessional organisations’ with civil society organizations, churches, and religious associations as partners in the development process of the Guidelines, see the Annual Report on Human Rights and Democracy in the World in 2013, p. 18.

between religion, philosophy, or ideology. But the contexts in which the terms philosophy and ideology are used suggest that religion is at its best as harmless and private as a philosophical point of view and at its worst turns into publicly and collectively effective ideological claims.

The double meaning of vulnerability both on the individual and collective level as well as an aspect inherent to religious belief can be illustrated with an example from the drafting process of the Guidelines within the EP. Most amendments were made with regard to the reason for action justifying the need for the Guidelines. Even though the final Guidelines published by the EU did not include this paragraph, the amendments and the different versions of the draft report give insight into the common understandings among EU policymakers. The original version of Article (b) in the Andrikienė report, the first draft report discussed in the Foreign Affairs Committee of the EP, ran as follows:

Violence against religious communities, with political, socio-economic or ideological roots, persists in many parts of the world; clear condemnation by the European Union of all forms of violence and discrimination should be a basic element of EU policy in the area of freedom of religion or belief.

This formulation is relatively open, leaves space for various perspectives on local situations, and highlights the complexities of different sources of violence under which religious communities suffer and are vulnerable. It was changed significantly during the drafting process (the new text elements are highlighted):

Violence, **persecution and discrimination against people belonging to religious communities and minorities, or against people who hold non-religious beliefs**, [...] persist in many parts of the world;

The focus now is clearly shifted towards minorities and the individual case of non-religious beliefs. This opens the notion of belief to a broader spectrum of orientations, putting emphasis on the individual perspective of people on the ground. Adding persecution and discrimination to the reason for action gives a feeling of increased urgency and broader applicability to the issue of FoRB. The

different causes for violence, the ‘political, socio-economic, and ideological roots,’ were removed from the text. In the process of editing, this can be read as an attempt to further broaden the scope of possible sources of violence. Leaving it out could follow from the idea that *anything* can serve as a source of violence and does therefore not need to be specified. Reading it in the context of the new sentence that follows, however, this interpretation is problematic. While references to political, socio-economic, and ideological contexts have decidedly included a broader perspective on violence, including a whole range of societal actors and structural aspects, the new formulation allows, and together with the following sentence even suggests, the interpretation that violence is an intra-religious problem:

the lack of religious tolerance and openness to dialogue and the lack of ecumenical coexistence often lead to political unrest, violence and open armed conflicts, endangering lives and undermining regional stability;

Entirely new, this sentence shifts the focus towards practices, interpretations, and relationships internal to religious traditions. It bears similarities to the reasons for action stated in the Guidelines as well as the third priority field of action, which singles out tolerance, pluralism, and diversity as worthy of promotion (see next section). Along the lines of tolerance, dialogue and ecumenical efforts, religious belief should be strengthened and protected against ideology and violent dynamics. This also is informative about how the vulnerability of religion is imagined: tolerance, dialogue, and coexistence are all built on the idea of self-reflexive identities, bringing one’s own convictions and beliefs into a healthy interplay and possibly overlap with others. A lack of such a capacity of individual belief is presented as tipping into ‘political unrest, violence and open armed conflict.’

The last change to the paragraph shifts the focus towards individual persons as particularly vulnerable:

clear and prompt condemnation by the European Union of all forms of violence and discrimination should be a basic element of EU policy in the area of freedom of religion or belief; particular attention should be paid to the situation of those who change their religion or belief, as in practice they are subject in a number of countries to social pressure, intimidation or outright violence

The aspects of individual belief and vulnerability of religion are central features of the third category that resulted from the analysis and which was strongly influenced by a deductive reasoning based on Elizabeth Shakman Hurd's theory of the two faces of faith. Looking at what the Guidelines aim to *promote* highlights the duality of religion as either good or bad within FoRB discourse. By stating the primary reason for action, the Guidelines claim that

As a universal human right, freedom of religion or belief safeguards respect for diversity. Its free exercise directly contributes to democracy, development, rule of law, peace and stability.⁶⁶

Safeguarding and *directly contributing*, the two key verbs in this statement, show a direct link between FoRB and the broader principles that guide EU foreign action. If implemented and upheld, FoRB is thought to be at a minimum supportive of these principles, and at a maximum a direct cause for their realization. In this way, FoRB is presented as a tool to promote a variety of different things that are presented as mutually reinforcing each other: ideas such as diversity, pluralism, and tolerance as well as the more structural and institutional principles of democracy and the rule of law, or the somewhat lofty goals of development, peace, and stability.

Central to this approach is the idea and promotion of a *secular state*. The state is given 'primary' responsibility for upholding FoRB, closely related to the implementation of rule of law ('legal systems provid[ing] adequate and effective guarantees' that are 'properly enforced,'⁶⁷ 'effective measures' and 'accountability'⁶⁸). In the Guidelines, the state is addressed in all the priority areas of action making it the primary addressee of EU foreign policies. The rule of law promotion is central to all other initiatives in the field.

⁶⁶ Guidelines, Article 1.

⁶⁷ Guidelines, Article 21.

⁶⁸ Guidelines, Article 23.

However, the *promotion* of FoRB is not restricted to the state but involves civil society, religious leaders, and various organizations.⁶⁹ In order to create an atmosphere in which democratic institutions, the rule of law, and the secular state can unfold their functionality in upholding and promoting the principles mentioned above, the third priority area of action of the Guidelines is directed towards the ideational promotion of

religious tolerance, respect for diversity and mutual understanding [which] are of utmost importance with a view to creating an environment conducive to the full enjoyment by all persons of freedom of religion or belief.⁷⁰

Creating this environment is pursued through calling on states to refrain from creating or fostering inter-religious tensions and to ‘promote an atmosphere of respect and tolerance between all persons regardless of their religion or belief.’⁷¹ This task is partly ascribed to states’ educational systems but also to other actors in society, all of which should provide ‘a wider knowledge of the diversity of religions and beliefs within their jurisdiction.’⁷² And finally, the EU is using ‘all available tools, including financial instruments, to promote a culture of mutual respect, diversity, tolerance, dialogue and peace.’⁷³

This mix of abstract principles is an interpretational framework for what FoRB should help to achieve at its best. The promotion of these principles, in turn, formulates specific requirements, conditions, and constraints for religious life since it needs to be supportive of these ideas as well in order to be promoted through the framework of FoRB. As part of such an approach, FoRB is aligned with other human rights and principles of EU foreign policymaking, which ‘contribute towards the building of pluralistic, tolerant, and democratic societies.’⁷⁴

Although abstract, the principles of tolerance, pluralism, and diversity entail a transformative potential by presenting standards for the evaluation of religion on the ground. If religious life under FoRB should harmonize with these ideas as well

⁶⁹ See priority area of action no. 8, Article 46.

⁷⁰ Guidelines, Article 33.

⁷¹ Guidelines, Article 34.a.

⁷² Guidelines, Article 34.b.

⁷³ Guidelines, Article 34.c.

⁷⁴ Guidelines, Article 24.

as other human rights, religious actors find themselves in need of living up to these standards. Using financial means to implement projects in third countries or to address specific cases in bi- and multi-lateral negotiations, this becomes a real or potential challenge for actors on the ground in third countries. Based on this, the Guidelines present a case for Elizabeth Shakman Hurd's perspective on how religion has become managed as either good or bad. Those actors, both state and non-state, within third countries that support democracy, the rule of law, and ideas of tolerance, pluralism, and diversity, become protected and promoted through the EU's policies on FoRB more easily than others who are not involved in thinking in and using this language.

The EU Guidelines on FoRB construct 'religion' in three key moves. Under the notion of FoRB, the Guidelines emphasize the individual dimension of religion, particularly in terms of belief. This is accompanied by the emphasis on religion's vulnerability. Both these aspects are naturalized in the Guidelines through the strong focus on violence and discrimination occurring in many parts of the world. At the same time, in a third move, the relevance of religion for other principles of EU foreign policymaking shifts the focus to the role of religion in the interplay with the EU's political goals. Presenting the promotion of tolerance, diversity, and pluralism as relevant to democratic development and the implementation of the rule of law constructs religion as a problematic category for these goals, which needs careful attention.

Naturalizing a specific knowledge on 'religion,' these three key aspects help to create plausibility and justification for the EU's action on religion under the title of FoRB. The vulnerability of religion supports arguments for the need to protect and promote FoRB in external policies. The individualism within religion allows harmonizing it with other aspects of human life that all need to be reflected upon under a human rights perspective. The distinction of good and bad religion is a particular expression of secularism in international politics in which religion is an increasingly emphasized aspect of life.

4.2 Mapping 'religion'

This section will look at statements on FoRB by different actors in the EU that build on this understanding of 'religion' and further contribute to the discourse as described and analyzed mainly with regard to the Guidelines. Debates and reports from the EP in particular reveal a focus on Christian minorities worldwide. It will be argued that the discourse of FoRB contributes to a normative mapping of the world according to vulnerability and persecution. The discourse over the course of five years (2011 to 2015) shows that FoRB is increasingly relevant for the field of Countering Violent Extremism (CVE) and Counter Terrorism (CT) initiatives, preparing a ground on which the EU can refer to a positive vision of religious life worldwide.

Peter Danchin (2007, p. 459) posits that linear accounts of religious freedom feed into and from simplistic 'mappings' of religious tolerance in international law. Instead, the emergence of religious freedom and its entanglements with the nation-state was and still is complex and 'full of antinomies.' A statement by High Representative Catherine Ashton in the EP debate on the Guidelines, where numerous statements were made particularly with regard to Christian minorities,⁷⁵ reaffirms a simplistic mapping within the EU discourse on FoRB. This is inherently related to the way 'religion' is understood within this discourse. Acknowledging the claims by some that Christians are particularly persecuted around the world, she responds with the following:

There are real challenges for some Christian groups in parts of the world right now. There are also challenges for groups from other faiths and religions in other parts of the world right now.

While the emphasis—and therefore her intention—might be on the repeated words *right now*, signaling the urgency for the Guidelines and political action on the part of the EU, the formulation is of interest because of the geographical claims Ashton makes. They seem to suggest that the places where Christians face

⁷⁵ See for example the statements by Struan Stevenson, Tunne Kelam, and Monica Luisa Macovei during the debate on 12 June 2013 (CRE 12/06/13 –17).

challenges are *other* places than those where people from other faiths encounter challenges. Transporting the idea that violence, persecution, and discrimination on the basis of religion or belief have a particular locus, Ashton supports an idea according to which the world can be mapped on the basis of persecution, ignoring the potential overlaps, complexities, and the coexistence of people who suffer. Focusing on a particular vulnerability on the basis of a specific religious belonging glosses over the interconnectedness of other sources of suffering besides religion. The statement helps to privilege the idea that ‘religion’ is the main distinctive element in what makes people suffer, undermining the fact that people of different faiths suffer equally from political stagnation, poverty, bad infrastructures, etc. Such a view on violations of FoRB is further supported by the various reports that the EU has published on the situation of FoRB worldwide.

The EU’s position on FoRB in 2011 and 2012, and hence previously to the publication of the Guidelines, was strongly influenced by developments in the Middle East and North Africa (the so-called ‘Arab Spring’). Closely following on the first uprisings and political turmoil, on 21 February 2011, the Council published conclusions on ‘intolerance, discrimination and violence on the basis of religion or belief,’ reaffirming its conclusions from 16 November 2009, stating its

concern about the increasing number of acts of religious intolerance and discrimination, as epitomised by recent violence and acts of terrorism, in various countries, against Christians and their places of worship, Muslim pilgrims and other religious communities [...].⁷⁶

FoRB is directly linked to (*religious*) intolerance and discrimination, the conditions it is supposed to address, giving momentum, relevance, and justification to the Council conclusions. The term ‘epitomized,’ however, brings a causal relationship into this configuration, suggesting an urgency to deal with intolerance and discrimination before they become violent. In other words, it suggests a reading of religious intolerance as a precondition of terrorism, as an early stage in the process of escalation. The statement contributes to a naturalization of religion as a source of violence and terrorism if practiced in the ‘wrong’ way. Rather than looking at the

⁷⁶ Council of the European Union, ‘Conclusions on intolerance, discrimination and violence on the basis of religion or belief’ (3069th Foreign Affairs Council Meeting), p. 1.

interplay of different societal dynamics and structures, the established relation between intolerance, discrimination, violence, and terrorism, presents religion in its negative aspects as the grounds from which violence emerges and which need to be addressed through FoRB. The link between violence emerging from religious intolerance is an example for the framework of the two faces of faith, supporting the idea that there is religion proper on the one hand, and misunderstood, bad religious practice on the other. Vulnerability on the other hand is explicitly ascribed to Christians and Muslims, both of which are assigned particular locations and circumstances—places of worship and pilgrimage. Rather than speaking of communities in general, this is emphasizing the idea that religious belief, if collectively exercised, has particular forms and places, recognizable, and in need of particular protection. Other parts of the document anticipate central passages of the Guidelines such as the duty of states to protect FoRB for everyone everywhere, including people belonging to religious minorities.

On 11 May 2011, High Representative Catherine Ashton gave a speech at the EP on the basic choices of the Common Foreign and Security Policy and the Common Security and Defence policy, which sheds light on how FoRB is framed in times of political transformations. Speaking of the protests and uprisings in the MENA region, stressing the expectations and uncertainties that came with them, she remarked that there is

no quick fix or short term solution that will create *the world so many long to see*. And meanwhile the *spectre of religious intolerance* casts its shadow—witness the recent events in Egypt—finding its excuse in uncertain times to play on fear and wreak destruction. Freedom of religion or belief is a universal human right that must be protected everywhere. We need to condemn all those who seek to use religious belief as a means of oppression – and support those who advocate tolerance, whether in Syria, Pakistan, Egypt or elsewhere.⁷⁷

The paragraph shows how FoRB features in the political debates of the day. While the uprisings and protests have given hope to many that democratization is under way in the MENA region, indeed, that a world will come ‘so many long to see,’ an

⁷⁷ European Parliament, ‘Speech of High Representative Catherine Ashton on main aspects and basic choices of the Common Foreign and Security Policy and the Common Security and Defence policy’ (A 179/11), p. 2 (emphasis added).

almost evangelical message, is opposed by its counterpart, 'the spectre of religious intolerance,' in a dualistic manner. What becomes transmitted in this statement is the idea that religious intolerance is the main obstacle in processes of democratization. In line with this analysis so far, the vulnerability of religious belief, its potential to be abused, is singled out as a factor of instability, yet universality. In this constellation, FoRB becomes a key tool to find an approach towards religion and to harmonize it with the democratic aspirations and hopes that Ashton voices here.

In a statement at the Organization of Islamic Cooperation (OIC) on 12 November 2012, Ashton addresses the OIC as brought 'together [through] a common faith and, flowing from that, shared values, principles and convictions.'⁷⁸ This is framed by emphasizing the cultural diversity within the OIC. Addressing the OIC in these terms presents religious belief as a culturally relative function and source for political action that can serve as a counterforce to intolerance and violence. Over the following three paragraphs, Ashton expresses this at several points:

I think that gives you a special responsibility: In a world that is confronted by more and more crises and violence, many of which are within perhaps your sphere of influence [...]

To advance these aims [of dialogue, tolerance, reconciliation, and peace], we all need to protect a common belief in the principles and values of justice, tolerance and the dignity of all human beings.

The desire to embed these principles in society is the driving force behind the changes we are witnessing in the Arab world today [...]

Freedom of religion or belief is a universal human right that needs to be protected everywhere for everyone. It is an essential pillar of safe and prosperous societies.

[...] My message today is very simple: together we must seek common ground and common language to demonstrate that extremism and intolerance have no place in our societies. Freedom and shared prosperity, human rights and human dignity are overarching values for us all.

⁷⁸ Remarks by High Representative Catherine Ashton at the Organization of Islamic Cooperation ministerial, Djibouti, 16 November 2012 (A 519/12), p. 1.

Drawing a line from a common faith to a ‘special responsibility’ is at the same time a move in which religious belief is encompassed by principles of justice, tolerance, and dignity, as well as turning the ‘common faith,’ which is of course the Islamic faith represented in the OIC, into a ‘common belief’ in these principles. The equation of religious faith and belief in justice and human dignity transports the idea that religious belief must be in accordance with these principles—it is the ‘good face’ of religion. FoRB becomes the legal translation of this equation. Put differently, FoRB is where these principles and this belief are put into concrete action and linked to overarching political and ideational objectives of the EU. The human rights approach of FoRB is part of the common ground and common language that Ashton speaks of. As much is suggested by the way in which FoRB is interlinked with principles of tolerance, peace, and human dignity.

The reports on human rights and democracy in the world published each year by the EU have a section on FoRB as well. The two reports on human rights and democracy that the EU published in 2011 and 2012 speak a language that has much in common with these statements, presenting FoRB as an individual right for everyone everywhere and beginning by pointing out the current challenges of religious intolerance and discrimination in many parts of the world.⁷⁹ For 2011, the report repeats the Council’s statement that intolerance and discrimination became *epitomized* by violence and terrorism, acts against which the EU upholds the principles enshrined in FoRB language: to have or not to have a religious belief, including ‘the right to adopt, change or abandon one’s religion or belief of one’s own free will.’⁸⁰

In 2013, the annual report, rather than beginning by references to religious intolerance and violence, elaborated on the development and publication of the Guidelines, presenting its own approach to FoRB as the point of departure.⁸¹ The more systematic approach that is presented in the Guidelines is also used within the report (especially the priority areas of action), highlighting the value of the Guidelines for the practical work of the EEAS. The same pattern can be seen in the

⁷⁹ Human Rights and Democracy in the world: report on EU action in 2011, p. 9 and 73; EU Annual Report on Human Rights and Democracy in the World in 2012 (Thematic Reports), p. 17.

⁸⁰ Human Rights and Democracy report 2011 (fn. 50), p. 73.

⁸¹ EU Annual Report on Human Rights and Democracy in the World in 2013, p. 82.

report from 2014, pointing out '[v]iolent incidents and terrorist attacks targeting individuals, people belonging to religious communities or religious sites on the grounds of religion or belief [...]'.⁸²

The 2015 report begins with a short paragraph on violations of FoRB, especially in Syria and Iraq. Pointing out 'violations of human rights perpetrated by ISIL/Da'esh and other terrorist groups' is particularly interesting since it is not a particular focus on the violation of FoRB but of human rights in general. What makes it a case of FoRB seems to be the religious background of ISIL/Da'esh.⁸³

In line with the focus on terrorism and violence throughout the five years looked at, the general development indicates that FoRB is increasingly interrelated with terrorism, radicalization, and violence, bringing FoRB into play as a counterforce to these dynamics. Annex I of the 'Commission Implementing Decision on the Annual Action Programme 2015 for the Instrument contributing to Stability and Peace - Global and trans-regional threats' is listing the empowerment of religious leaders as an important step in filling existing gaps in Countering Violent Extremism (CVE) initiatives.⁸⁴ FoRB is furthermore mentioned as an important element in reaching a '[s]trengthened capacity of civil society organisations to deliver actions that prevent and counter terrorism.'⁸⁵ Other central documents clearly state that FoRB must not be violated as part of counter terrorism strategies.⁸⁶ Religion is hence at the same time a potential source of radicalization that needs to be addressed and secured against such dynamics as well as a source of vulnerability for people who need to be protected. The framework of FoRB encompasses both. Naturalizing the idea of religion as individual, vulnerable, and good or bad makes such an engagement with religion possible. This is expressed in the section on counter-terrorism in the 2015 human rights and democracy report that focuses on the various root causes of terrorism that need to be addressed, while emphasizing the need to 'promote tolerance and understanding among

⁸² EU Annual Report on Human Rights and Democracy in the World in 2014, p. 60.

⁸³ EU Annual Report on Human Rights and Democracy in the World in 2015, p. 29.

⁸⁴ See p. 6.

⁸⁵ Ibid., p. 12.

⁸⁶ See the 'Operational Human Rights Guidance for EU external cooperation actions addressing Terrorism, Organised Crime and Cybersecurity – Integrating the Rights-Based Approach' (2015), p. 23, where FoRB is listed as one of the 'non-derogable' rights; this is also manifested in the Guidelines, Article 12.

people and societies,' enabling a direct link between the language around FoRB and 'religion' and counter-terrorism initiatives.⁸⁷

Coming to terms with Christians worldwide

In effect, this mapping of 'religion' as a tool of democratization, as countering violence, and as a means to localize vulnerable groups and individuals helps to project Christians as in need of protection and Muslim majority countries as in need of reform. The annual reports by the European Parliament Intergroup on Freedom of Religion or Belief and Religious Tolerance (since 2013) show this particularly well. The discourse on FoRB is torn between the EU's claims to be neutral with regard to the different religions in the world on the one hand, and a specific interest in the vulnerability of Christians on the other hand. Contrary to claims of a neutral approach towards FoRB (see de Jong, 2015) the findings of this analysis suggest a correlation between the lobbying for Christian minorities in the drafting process (as well as EP debates) and a more secular outlook in the subsequent documents, supporting claims by scholars such as Winnifred Fallers Sullivan (2005) and Gil Anidjar (2006) that the secular bears structural similarities to Christianity, which become apparent in regulations of FoRB.

Explicit references to Christian minorities in third countries were frequent at two stages in the drafting process: among the suggested amendments to the Andrikenė report and in the EP debate. None of these references were included into the Guidelines. However, while they had not been included into the official EP recommendations to the Council, the increased focus on individual belief and vulnerability is of interest since it speaks to some of the loudest critiques of FoRB: That the secular character of FoRB language, and human rights language in general, privileges Christian individuals and communities, while making it more difficult for adherents to other religious traditions to practice their religion as they see fit and have learned to do.

⁸⁷ Report on human rights and democracy in the world in 2015, p. 20.

The most frequent justification for the focus on Christianity is the argument of a particular vulnerability of Christians who face persecution and violence in some parts of the world.

whereas persecutions against persons and their families, communities, Churches and institutions, particularly Christians, based on their particular religious affiliation, their convictions or any legitimate public expression of their religion or belief, are widely spread in some regions of the world⁸⁸

This amendment was taken over for the final version of the recommendations in a more general language: Churches became ‘places of worship’ and ‘particularly Christians’ was removed. Another amendment to Recital E suggested to add the sentence: ‘especially in [I]slamic countries where non-[M]uslims, like [C]hristians and [J]ews, are regularly being discriminated, arrested, convicted and sometimes even executed because of their religion.’⁸⁹ Only the second part of this amendment was used in the final version, excluding all references to particular religious traditions.

A suggestion for a new Recital E a, which likewise was not included, was explicit in its focus on Christianity as well:

whereas recent years have seen an alarming deterioration in the situation of Christians worldwide with rapidly increasing number of acts of violence leading to mutilations or deaths, resulting in between 105 and 170 thousand casualties each year, making Christianity currently the most persecuted religion in the world⁹⁰

Although these amendments were not included, which speaks for the (officially authorized) will of the EP not to appear as a representative of a particular religious tradition, the Guidelines nevertheless emerged in an environment in which a focus on Christianity is a dominant component in thinking about and arguing for FoRB. The rhetoric in the EP is particularly focused on Christian minorities. Two statements from the EP debate on the Guidelines exemplify this:

⁸⁸ Amendment 15, amendments to the Andrikiéné report.

⁸⁹ Amendment 18, amendments to the Andrikiéné report.

⁹⁰ Amendment 19, amendments to the Andrikiéné report.

And one more thing. We're talking today about Christianity, we talk about freedom of religion.⁹¹

Religious freedom is beset by intolerance and terrorism. [...] discrimination against Christians [should] be treated in the same way as anti-Semitism and Islamophobia.⁹²

Both of these draw a parallel between freedom of religion/religious freedom and Christianity. The first statement even suggests equaling the one with the other; the second one mobilizes FoRB as a specific tool to respond to the discrimination against Christians. Violations of religious freedom, according to this statement, need to be targeted, just like anti-Semitism and Islamophobia, linking efforts for religious freedom and religious tolerance to the protection of Christians.

Freedom of religion or belief and religious tolerance worldwide

This last section presents the findings from the reports published by the EP Intergroup on FoRB and Religious Tolerance (hereafter: Intergroup) in 2013, 2014, and 2015. The reports contribute to a discourse of FoRB in which religion is singled out while other backgrounds and causes for violence and discrimination are neglected, clear cut maps of problem zones emerge, a specific focus lies on Muslim majority countries, and Christian minorities are singled out as particularly vulnerable.

All three reports were written after the publication of the Guidelines and are thus referring to them as a central element in EU foreign policies on FoRB.⁹³ All three reports follow a different structure. In 2013, particular countries were selected on the basis of systematic aspects of FoRB: (1) Intimidation, discrimination, violence

⁹¹ Statement by Tomasz Piotr Poręba. Original in Polish: I jeszcze jedna rzecz. Rozmawiamy dzisiaj o chrześcijaństwie, rozmawiamy o wolności religii.

⁹² Statement by Nikolaos Salavrakos. Original in Greek: Η θρησκευτική ελευθερία ταλανίζεται από την μισαλλοδοξία και την τρομοκρατία. Θα πρέπει, πιστεύω και το εισηγούμαι, οι διακρίσεις εις βάρος των χριστιανών να αντιμετωπιστούν με τον ίδιο τρόπο όπως ο αντισημιτισμός και η ισλαμοφοβία.

⁹³ See Intergroup report 2013, p. 15; Intergroup report 2014, p. 12; Intergroup report 2015, p. 13.

and lack of state protection;⁹⁴ (2) Denial of freedom to change or leave one's religion or belief;⁹⁵ (3) Denial of freedom to worship, alone or in community with others;⁹⁶ (4) Denial of freedom to teach, promote, and publicly express religion or belief;⁹⁷ (5) Persecution under blasphemy and anti-defamation laws;⁹⁸ (6) Denial of the right to conscientious objection;⁹⁹ (7) State violations: eradication policies.¹⁰⁰ This structure resulted in a selection of briefly described cases of violations of these particular aspects of FoRB. The report is based on secondary sources. Most of the countries listed and presented as case studies under these sections are those where Christians are a minority. In the context of conversion, the report refers to 'many Muslim-majority' or 'almost all Muslim-majority' countries as states where severe restrictions of the right to freely choose one's religion are reported.¹⁰¹ Contrary to such general statements, the report presents individual cases of Christian minorities within these countries in much more detail. This gives readers the opportunity to relate more closely to these cases:

Converts also *routinely* face denial of custody and inheritance rights. Open Doors cites a recent case of conversion *in a Middle Eastern state*: "A grandmother reported her son as an apostate to the security police. Her grandson, aged three, saw his father dragged away and return, traumatised, three months later. The family lived secretly as Christians, and publicly as Muslims. The boy's friends guessed he was a Christian and bullied him at school and in the street. Now a teenager, he is still a secret believer."¹⁰²

⁹⁴ The case studies listed are: Christians in Eritrea, North Korea, Burma, Hindus in Pakistan, Buddhists in India, Somalia, Nigeria, Indonesia, Shiites in Pakistan, Mali, Afghanistan.

⁹⁵ The sub-categories are (a) religious conversion with cases from India, 'Muslim-majority states,' Jordan, Iran, Egypt, and (b) violations of the rights of non-believers for which Afghanistan, Bangladesh, Egypt, Indonesia, Iran, Jordan, Kuwait, Maldives, Mauritania, Pakistan, Saudi Arabia, Sudan, and Turkey are named.

⁹⁶ Kazakhstan, Tajikistan, Azerbaijan, Russia, Angola, Christians in Egypt, Syria, Sudan.

⁹⁷ China, Libya, Uzbekistan.

⁹⁸ Pakistan, Egypt, Afghanistan, Saudi Arabia, Bangladesh, India, the Philippines, Kuwait, Tunisia, Turkey.

⁹⁹ Eritrea, Turkmenistan, Azerbaijan, Belarus, Turkey, Armenia.

¹⁰⁰ (a) Ahmadi Muslims in Pakistan, Malaysia, Saudi Arabia, Indonesia; (b) Falun Gong Practitioners in China; (c) Non-Muslims in Saudi Arabia; (d) Baha'is in Iran.

¹⁰¹ Intergroup report 2013, pp. 8–9.

¹⁰² Intergroup report 2013, p. 9 (emphasis added).

While clearly being a violation of the family's right to believe and practice their belief as they wish, the case is framed in the report in a generalizing way, using the example of an individual case in order to exemplify *routines in a Middle Eastern state*.

In terms of structure, the reports from 2014 and 2015 give more space to discuss individual cases and countries. The general tendency, however, to focus on Muslim-majority countries and the violations of FoRB with regard to minorities and individuals within these countries further contributes to a strong focus on Christian minorities as in need of protection. This, on the other hand, supports an image according to which Muslim-majority countries are highly restrictive, more violent, and less peaceful because of their religious orientation.

In 2014, the report followed a geographical structure: The Americas, Middle East and North Africa, Sub-Saharan Africa, Asia and Oceania, and Non-EU Europe, followed by a thematic report on 'violence against places of worship and holy places.'¹⁰³ However, the broad focus does not do much to change the point just raised. In Mexico, Cuba, Peru, and Colombia, for example, Christian-majority countries, the focus lies on Christian victims, who suffer from communism, gang violence, or drug cartels.¹⁰⁴ In the context of Muslim-majority countries in the MENA region on the other hand, it is explicitly stated that 'they define themselves as Islamic and discriminate against other religions or belief communities.'¹⁰⁵ If an inclusive approach by the state is affirmed, persecution and violence by Islamic organizations or terrorist groups are highlighted. With regard to the good/bad distinction that is at work within the discourse on FoRB, the report focuses on Tunisia as a positive example

where a democratically elected government is trying to stabilise the country and develop it in an inclusive manner, with the support of the Islamic opposition, although under pressure from Islamic militants

FoRB is mainly framed as a Constitutional achievement, which needs to be implemented in all spheres of society. This is in line with the ways that 'religion' is

¹⁰³ See Intergroup report 2014, pp. 49–52.

¹⁰⁴ See Intergroup report 2014, pp. 16–18.

¹⁰⁵ Intergroup report 2014, p. 28.

constructed in other areas of EU foreign policy discourse and itself feeds back into this logic of good and bad religion.

A bias towards Christianity in the 2014 report can furthermore be seen in the one short paragraph on Kenya, which combines all these aspects that are dominant in FoRB discourse. However, an interesting feature in this case is a critique of the state's form of secularism:

In Kenya, whose population identifies roughly 82% as Christian, 11% as Muslim and small numbers as Baha'i, Hindu and indigenous religions, home-grown radical Islam and militants crossing the border from Somalia are severely persecuting Christians. The government's approach to pushing for an unbalanced secularist agenda also has an impact on the Kenyan church, as some of the agenda being pushed by the government contradicts with the values and principles of Christianity. Violence has increased in different parts of the country particularly where Islamic radicalism is high.¹⁰⁶

In marking Christians as particularly vulnerable and Muslims as perpetrators, the text is not significantly different from others. More interestingly, the government is criticized for implementing a form of secularism that partly 'contradicts with the values and principles of Christianity.' This is a noteworthy statement. While secularism, arguably, is potentially in conflict with many religious values and convictions around the world, it is problematized here with regard to the Christian church in Kenya. Underlying this statement, there is a message that secularism actually should be, and in its proper form is, in accordance with Christianity. The reports fail to take any note on how secularism may or may not be in conflict with other faith traditions. Such an unequal treatment of cases can also be observed on the broader level of the report. The section on Asia and Oceania, for example, is introduced as being about two 'vast continents and it is therefore impossible to describe general trends that would hold for all countries in this region.'¹⁰⁷ Africa, the MENA region, the Americas surely are equally complex regions. This complication and unequal treatment in the report directly follows from the

¹⁰⁶ Intergroup report 2014, p. 36. The source given is <https://www.opendoorsusa.org/christian-persecution/world-watch-list/kenya>.

¹⁰⁷ Intergroup report 2014, p. 38.

geographical arrangement of the report as a whole, clearly trying to depict priority countries and regions of action.

The report ends with a short text with the title ‘We have a dream: freedom of religion all around the globe’ by Peter van Dalen and Dennis de Jong, wishing for ‘Peace and freedom for all mankind, within and outside Europe. Peace and freedom, key words in every religion and non-religion.’¹⁰⁸ This strongly reaffirms the idea that ‘religion’ is, in its core, good but vulnerable, and hence in need of protection from others:

Where are we now with peace and freedom in our world? Ask the students in Garissa about peace and freedom. Ask the refugees in Yarmouk about peace and freedom. [...] Boko Haram, Al-Qaeda, ISIS, Al-Shabaab, Jemaah Islamiyah, Jundallah and Abu Sayyaf offer you peace and freedom to their instructions, or death.¹⁰⁹

This confrontation between aspirations for peace in the name of the EU on the one hand, and an alliance of perpetrators and evils all of which are Muslim on the other hand, is following the idea of good versus bad religion and gives locations to the one and the other.

The 2015 report is the most elaborate one of the Intergroup’s annual publications. The structure had been changed significantly once more. While in 2014 the criterion for the case selection were current developments with regard to FoRB in the various countries, in 2015 an important angle was relations between third countries and the EU, that is the EU leverage. Countries are introduced with regard to their EU relations, followed by recommendations focusing on the general situation regarding stability, democracy promotion, partnerships, and the financial leverage of the EU. Country profiles follow later on in the report, structured by religious demographics, government restrictions of FoRB and non-governmental restrictions.¹¹⁰

¹⁰⁸ Intergroup report 2014, p. 66.

¹⁰⁹ Ibid.

¹¹⁰ The report, p. 31, states that the country selection ‘was based on an analysis of the legal and infrastructural capacity of national government authorities to promote and protect their citizen’s human rights to FoRB; both in terms of direct government policy and implementation, as well as their ability to contain non-governmental threats to FoRB. The trajectory of developments on this front (particularly over the reporting period) were also considered in our selection.’

While the structure of the reports from 2013 and 2014 focused very strongly on particular cases of FoRB violations and left little room for other background information, the focus on FoRB in the 2015 report is part of the country profiles, which are separated from the section on EU relations and recommendations. This further aligns FoRB with the general human rights and democracy policies of the EU rather than discussing the concrete situations on the ground in greater detail. One explanation for this shift would be the wish to increase both the awareness of FoRB within other EU institutions and the Intergroup's relevance for policymaking.

The structure leads to a strong focus on macro level descriptions, stressing the importance of constitutional arrangements and the rule of law.¹¹¹ This includes a skeptical perspective on pluri-legal arrangements, where different laws apply for different religious communities.¹¹² The country profiles affirm the findings from the other two reports in that problems with FoRB are largely pointed out with regard to Muslim-majority countries. Furthermore, the country profiles suggest that violations of FoRB are easily identifiable. However, even for the authors of the report this cannot be affirmed in all cases:

The government continues to monitor political religious activity to detect and prevent reformist democratic movements. As a result, it is sometimes difficult to distinguish whether discrimination occurs for purely religious reasons or to crack down on political dissidents.¹¹³

Acknowledging the difficulty to differentiate between politics and religion in this example is surprising since it is not expressed at any other point in the report. Boko Haram (in the report on Nigeria) and al-Shabaab (Somalia) for example are considered Islamist organizations, leaving no space for reflecting on political aspects behind their actions.¹¹⁴ As societal actors they seem to be more easily affiliated with religious orientations, being ultimately an object of and challenge to state responsibilities. Emphasizing political aspects within these groups would

¹¹¹ This is highlighted by an extreme case: The country profile on Syria begins by stating that '[t]he Assad government only controls about 20% of the country's territory due to the ongoing civil war, making enforcement of even nominal safeguards difficult.' (p. 55)

¹¹² See the report's assessment of the Penal Code in Bangladesh, p. 78.

¹¹³ Intergroup report 2015, p. 43.

¹¹⁴ See Intergroup report 2015, p. 40.

require a more nuanced mapping and could not destabilize their legitimacy per se. As long as they are depicted as ideological and religious, these organizations and movements can be unconditionally targeted as opponents.

In conclusion, the Intergroup's work contributes to a mapping of 'religion' worldwide that focuses strongly on Christian minorities within countries of particular concern most of which are Muslim-majority countries. A graphic expression of this can be found on the cover of the 2015 report, which depicts a segment of the globe, mainly the MENA region and some parts of Asia in colors highlighting particular countries of concern and failed states. This directly feeds into the idea of locating good and bad religion in particular parts of the world. In the reports, FoRB has become a particular and increasingly dominant lens to look at conflicts around the globe.

4.3 Conclusion: New bottles for an old genie

This chapter showed that the discourse on FoRB in EU foreign policy contributes to an understanding of 'religion' as primarily individual, vulnerable, and either good or bad. Furthermore, it became clear that central criteria for the management and evaluation of 'religion' are the development of nation-states in terms of democratic institutions, the rule of law, and human rights. FoRB interlinks with these aspects of the EU's foreign policy agenda, promoting an understanding of 'religion' that fits into the grid of this agenda. The analysis has further shown that this results in a focus on Muslim majority countries where FoRB needs to be realized for non-Muslim minorities or individuals. A strong focus lies on Christian minorities worldwide, suggesting an inherent relation between FoRB and the strong focus on individual belief in mainly Protestant Christian theology (see also Sullivan, 2005; Anidjar, 2015).

The central argument running through this chapter is that FoRB policies are based on secular assumptions about and secular fears of religion. The rise of radical groups acting in the name of Islam (like ISIS, Boko Haram, Al-Qaida),

Islamophobia, and populist movements feed into the fear that secularism has failed in its primary goal—to protect collective life from religious intolerance. Such developments pose a threat to the justification for secularism’s existence. It has to be defended through renewed efforts to promote religious tolerance and non-discrimination. The increased intensity with which FoRB is promoted is an expression of this.

However, there is an inherent tension in this project that keeps the promotion of FoRB in balance with the fears of religious intolerance. Yvonne Sherwood (2015, p. 29) makes this explicit when she notes that ‘the terror of religion emerges [...] from within the standard definitions of religion squeezed out from Western epistemologies and politics.’ If one is to strengthen the secular state against religious terror, one inescapably strengthens the very framework in which violence and threats are perceived and formulated as specifically religious. William Cavanaugh’s *Myth of Religious Violence* (2009) shows that this is not a new phenomenon but intrinsic to the very structures that constitute political power within the nation-state. Constructing ‘religion’ as individual helps to open it for the narrow scope of and evaluation through FoRB regulations, enabling those in power to exercise control over the lives of individuals, groups, and institutions.

Such control is limited since belief is private and can be hidden from others. It is free from outside influence one might think, indeed ‘belief [...] defies the laws of society’ (Sherwood, 2015, p. 37). The global attention on religious violence, the Global War on Terror, threats of radicalization, and new tools for sharing ideas across borders all feed into the notion of belief as vulnerable and in need of protection: ‘belief itself has to be protected from the inbuilt freedom and danger of belief’ (ibid.). If belief as opposed to reason or opinion is a genie let loose, then FoRB is the bottle to capture it.

While not being able to control the contents of belief itself, FoRB serves as a tool to align belief with democratic principles, the idea of universal human rights, and the rule of law. Within the framework of secular international and domestic law, the management of ‘religion’ in the name of FoRB gives shape to religious belief and life by sanctioning those forms that are at odds with ideas such as individual rights. FoRB, in this way, becomes a positive definition of ‘religion’ itself. Talal Asad (2012, pp. 56–7) suggests that ‘the modern *idea* of religious belief (protected as

a right in the individual and regulated institutionally) is a critical function of the liberal democratic nation-state [...].’ By constantly keeping a balance between the threats of religious belief and its regulation, secular fears give legitimacy to transfer political power to those who agree with what ‘religion’ under FoRB should be like. In turn, it is exclusive towards deviating ideas, groups, and institutions.

What is at stake in these struggles, then, is not a question of what people believe. On a subtler level, FoRB aims to create legitimacy structures for the self-regulation of religious actors: By addressing individuals as receiving freedom and protection directly from the state, FoRB reinforces the idea of nation-state authority. This has the effect that ‘religion’ is reaffirmed first of all as a problem for the wellbeing and freedom within a state, necessarily politicizing religious practices and ideas on the ground. Hiding itself in the protection and promotion of religious belief, FoRB depicts a political agenda. The naturalization of a particular notion of ‘religion’ is key in this process. The next chapter will analyze how these dynamics play out in a local context in Indonesia, a Muslim majority country in which FoRB is seen with ambiguity.

5. Re-making 'religion': FoRB at the local level

The specific conceptualization of 'religion' at the EU level is exported in foreign policies through flows of information and diplomacy.¹¹⁵ The EU as a strong economic actor has the capacities of using its weight for political goals,¹¹⁶ including state level influence as well as direct engagement with civil society and the funding of human rights and FoRB related projects.¹¹⁷ This includes the funding of organizations, companies, and initiatives across geographical contexts.¹¹⁸ EU funding and foreign policies are entangled with other flows of information that influence local dynamics around the globe, among them international media coverage, new technologies, and social media usage.¹¹⁹ The leverage of EU involvement in these processes introduces and changes particular understandings of 'religion' in non-EU contexts, where it is potentially involved in processes of re-negotiating religious life and hence a 're-making of religion.' At the point of contestation, the encounter of differing concepts and understandings raises questions about the universality within human rights language and FoRB. At this point, disagreement and conflict is possible as well as an overlap of different approaches and understandings. Does the specific concept of 'religion' in EU foreign policy discourse have an impact in local EU funded projects on FoRB and if so, what is this impact? What are responses to this discourse within the local

¹¹⁵ See for example the speeches given by Luc Vandebron, Ambassador and head of the EU delegation to Malaysia at the 'Consultation on the promotion and protection of freedom of religion or belief in ASEAN' on 2 July 2014, and by Lars-Gunnar Wigemark, Ambassador and head of EU delegation to Pakistan at the 'Human Rights Day event on FORB,' on 10 December 2014, both using several paragraphs of the Guidelines on FoRB without alterations to the text.

¹¹⁶ The idea of linking economic benefits or sanctions to the respect of human rights and democracy in third countries is for example stated in 'A New Response to a Changing Neighbourhood. A review of European Neighbourhood Policy,' (COM(2011)303), p. 3.

¹¹⁷ The annual report on human rights and democracy in the world in 2015 presents its engagement with civil society actors under the title of the main human rights and democracy challenges, pp. 22–28. The section on FoRB directly follows on this.

¹¹⁸ See the grant giving institution European Endowment for Democracy, funding local projects, mainly in the EU neighborhood, <https://www.democracyendowment.eu> (last accessed 8 December 2016); civil society initiatives and programs are listed as possible applicants and beneficiaries under the European Instrument for Democracy and Human Rights, the Instrument contributing to Peace and Stability, and the Development Cooperation Instrument (<https://ec.europa.eu/europeaid/funding>, last accessed 8 December 2016).

¹¹⁹ Arjun Appadurai (1996, pp. 27–47) speaks of flows of people, goods, images, technologies, and ideologies that shape people's realities beyond a simple center-periphery-model (such as the 'West' vs. 'the rest').

context? How does the specific understanding of ‘religion’ relate to practices and ideas that are potentially different from the discourse at the EU level? This chapter will address these questions by presenting the findings from a research on an NGO project on FoRB in Cirebon, Indonesia.¹²⁰

Central components of the EU’s foreign policy approach to human rights and democracy have been criticized over the past years, such as the strong reliance on the rule of law as the appropriate response to local tensions around religious discrimination and conflict (see Schonthal, et al., 2016; Mahmood, 2016)¹²¹ or the ‘over-legalisation’ of human rights (Rodríguez-Garavito, 2014, pp. 501–2). The construction of ‘religion’ as a category of law and policymaking is one aspect of this development. Several authors have raised awareness of ‘grassroots globalization’ (Appadurai, 2001) or ‘globalization from below’ (De Sousa Santos and Rodríguez-Garavito, 2005), showing that local organization is an essential part of globalization and that there is a need to better understand these developments that have the potential to offer alternative stories of globalization than the conventional focus on top-down mechanisms. Norman Fairclough (2006, p. 34) speaks of the contingencies that these processes are involved in, being dependent on various factors and forces, strategies, rituals, institutions, values, and desires all of which are involved in social change. In such processes, discourses are ‘translated’ and ‘recontextualized,’¹²² which in this case could include EU policy frames, alterations to the discourse analyzed in the previous chapter, and new elements.

The fieldwork conducted in Indonesia offers bottom-up perspectives on FoRB and aims at a rethinking of central concepts in the debate. It also aims at a better understanding of how the process of translating a particular discourse into a local setting takes shape. Fairclough hints at the potentials for resistance to what constitutes the dominant discourse, which ‘is most likely to come from subjects whose positioning within *other* institutions and orders of discourse provides them with the resources to resist’ (Fairclough, 1995, p. 24). The local actors with whom

¹²⁰ An example for the EU’s interest in religion and human rights in Indonesia is the EU-Indonesia Civil Society Seminar, held in Jakarta on 24/25 October 2011 on ‘Human Rights and Faith in Focus,’ where the EU partnered with the biggest Islamic organization in Indonesia, Nahdlatul Ulama (NU).

¹²¹ Künkler and Sezgin (2016) indicate that the reasons behind pluri-legal arrangements, which are criticized from a rule of law perspective, are the result from concerns with political stability and electoral interests rather than ideological and religious orientations—shifting the attention to the structural conditions of the state and the power relations it entails.

¹²² Fairclough (2006, pp. 121–139) refers to ‘globalization from below’ as well.

this research was conducted (individuals and organizations mainly in Cirebon), participate in local as well as international discursive orders. In terms of the organizations looked at for this research, agency unfolds in terms of project design and implementation where changes to the dominant discourse on FoRB result from local constraints and resources. The findings will show that alterations, and potentially resistance, to the discourse are situated mainly on the level of ideas and practices. On an organizational level, central elements of the discourse are reproduced such as divisions within society between actors considered to be good (tolerant) or bad (intolerant).

5.1 Research design, background of the study, and self-reflection

The research was conducted in cooperation with the Dutch Catholic Faith-Based Organization (FBO) *Mensen met een Missie* (MM),¹²³ who implemented a program on FoRB in both India and Indonesia.¹²⁴ In its origins a missionary organization, MM has maintained a strong focus on religion as central to people's wellbeing. The projects in Cirebon, Indonesia are organized by interfaith and Islamic organizations, having no particular focus on Christian communities. MM staff designed the program in cooperation with local partners who maintained authority over the concrete contents and strategies. The selection of partner organizations was based on previous contacts and networks and the profile of these organizations to engage in tolerance promotion and interreligious dialogue. The funding requirements for MM lead to a strong focus on output and quantifiable data (e.g., how many people are reached with the program).

The central objective of MM's project is to 'contribute to the freedom of religion and belief by promoting a culture of religious tolerance.'¹²⁵ This goal is pursued via three main strategies that all aim at connecting, sensitizing, and strengthening local actors with regard to FoRB. The focus lies on grassroots initiatives, local

¹²³ <http://www.mensenmeteenmissie.nl/over-ons/programmes-en-partners/about-organisation>.

¹²⁴ The fieldwork was part of joint research project of the Centre for Religion, Conflict and the Public Domain at the University of Groningen and MM.

¹²⁵ Program (internal document), p. 17.

organizations, and different stakeholders including women and youth as well as interreligious dialogue.¹²⁶ The policy relevance stated in the program indicates that it follows from the general discourse around FoRB at an international level as discussed above. The program

is designed to increase respect and protection for religious minorities, through an approach that aims to strengthen, sensitize and connect actors at various levels and from different backgrounds. This will not only promote greater religious freedom, but also contribute to upholding democracy and rule of law.¹²⁷

The statement expresses the idea that FoRB is inherently relevant for peace, democracy, and the rule of law. Interfaith relations are central to MM's approach. They are at the same time depicted as part of the problem and part of the solution to societal tensions. MM's initiative depicts FoRB as a central precondition for realizing human flourishing and harmonious living together at the grassroots. At the same time, by aiming to connect actors at different levels, MM's project is an apt ground to identify possibilities to enable dialogue between different actors across various levels from the local to the international.

Among the different places where the program was implemented, Cirebon was selected as a site for this research due to the variety of actors involved both in rural as well as urban infrastructures and the diverse background of people living in the area. The project was implemented by two organizations, Fahmina Institute, an Islamic organization promoting tolerance, and Pelita, a young organization that is engaged in interreligious and intercultural dialogue and in building interreligious networks among young people on the ground. Tensions between religious communities and groups are one of the main concerns of local organizations working in the field, especially the situation of the Ahmadiyah community that has faced persecution and discrimination over the past years. MM has identified Indonesia as a relevant country for their program due to the presence and growing influence of radical and fundamentalist groups.¹²⁸

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid.

The research consisted of three months of fieldwork, starting with participant observation to become familiar with the local environment and infrastructures, to broaden the network among locals, places, and organizations. During this time, which included the month of Ramadan, personal relationships could be established with locals both of the younger and older generation in and around Cirebon. At the same time, this part of the research gave the opportunity for locals to get used to the presence of a foreign researcher.

This was followed by seven weeks of conducting one-on-one interviews and group interviews with the help of a local translator. Starting with staff from Fahmina and Pelita, the group of respondents was broadened so that it also included locals from around Cirebon, from local religious minorities, some of whom have participated in Fahmina's and Pelita's activities, and some who have not. In total, 70 persons participated in the research.

Language barriers, making the help of a translator throughout the whole period of the research necessary, limited the research. Although the quality of translations was generally on a good level, interviews, participant observation, and the contact with local research partners more generally was in most cases only indirectly possible. This created challenges to establish levels of trust and to identify language related nuances. Particular terms that emerged from the research are used in the Indonesian original.

Biases in the data collection and analysis mainly result from two facets of the fieldwork: Firstly, my cooperation with MM, which made it important to convince people that I am not evaluating the program, reporting back to MM. The risk of being identified too closely with MM was especially problematic in terms of the results and answers I would get. In order to avoid this, I conducted interviews with a broad range of people, some of whom were not or only loosely involved in the local organizations. Many interview partners did not or only vaguely know about MM. And secondly, the fact that I am a white male European coming from The Netherlands. As such, I was (and still am) largely unfamiliar with everyday practices and customs and did not have access to contexts of everyday life. Another problem with this was the potential that people perceive myself as an intruder, asking questions about religious matters, which are after all sensitive issues. It was helpful in this regard to begin the research with participant observations and spend

the month of Ramadan in Indonesia during which I was invited to many family gatherings in the villages around Cirebon. After this time, people had gotten used to my presence and some first friendships that emerged helped to get in touch with people more easily. The problem of hierarchies and privileges in coming to Indonesia as a European researcher was a concern of mine without encountering direct problems. Yet, the sheer fact that I had access to local influential people without many problems might have caused others to keep some distance to me—this I cannot tell, it did not seem to be the case during the fieldwork.

Interviews and conversations often took place in an informal setting, hanging out with young people at their homes, sometimes in small groups. The office buildings offer space where interviews were possible in private. Several times, one interview or conversation led to another due to others being around, having an interest to share their perspective as well. It was most important to let my interview partners decide where they wanted to meet; I often traveled for hours by public transport to reach a particular location. By this, I hoped to get a better impression of everyday environments and that my interview partners felt secure and comfortable. I maintained this throughout the research.

The findings of the research will be presented in two sections. The first section, with regard to the design of local interventions on FoRB and how FoRB has been interpreted and included into workshops, will answer the sub-question whether and, if so, how the particular understanding of ‘religion’ as identified in the previous chapter, is a part of local projects (5.2). The second section will look at alternative practices and ways of framing religious differences that were discovered during the fieldwork, including practices of encounter, tolerance, and concepts that emerged from local wisdom (5.3). These findings will be the ground for rethinking FoRB in the conclusion and final discussion of this thesis (chapter 6).

5.2 Translating FoRB: diversity, differences, and tolerance in local everyday life

This section will show that central components of the EU discourse pose difficulties for the implementation of FoRB in local projects, which reveals some distinct features of local understandings of and approaches to FoRB. Vulnerability, individualism, and an idea of good versus bad religion are relevant ideas at an organizational level. However, in the broader local context, this relation is altered: individual choice often leads to insecurity and a feeling of vulnerability rather than to a sense of being protected as an individual holder of rights.

The title of the project, as Fahmina and Pelita implemented it, provides some evidence as to the importance of the use of language around FoRB. It is named ‘School for Love and Peace’—‘Setaman’ in the local language. One of the program coordinators at Fahmina expressed the need to ‘break down’ the language of FoRB in order to adjust the concept to the controversies in the local environment and to avoid misunderstandings around it.¹²⁹ Especially problematic are the notions of *freedom* and *pluralism* within the context of religion. Used internally—or also with others who are familiar with the organizations’ work—they are avoided externally in the development and implementation of Setaman as well as the networking around it. In the local context, the term pluralism can hardly unfold potential in organizing the living together across differences since 2005 when the organization of Islamic scholars in Indonesia, *Majelis Ulama Indonesia* (MUI),¹³⁰ issued a fatwa that declared pluralism, secularism, and religious liberalism as un-Islamic (and forbidden according to Islamic law) and provided that Muslims are expected to be exclusive in faith and worship.¹³¹

In this fatwa, MUI argues for an exclusivist stance to religious truth while condemning pluralism as the idea that all truth is relative. The same critique applies to religious liberalism, the free use of one’s own mind in matters of religious belief while ignoring the accepted doctrines of Islamic teachings.¹³² However, the

¹²⁹ Interview 17.

¹³⁰ <http://mui.or.id>.

¹³¹ <http://mui.or.id/wp-content/uploads/2014/05/12.-Pluralisme-Liberalisme-dan-Sekularisme-Agama.pdf> (last accessed 13 December 2016).

¹³² *Ibid.*, p. 96.

fatwa distinguishes between pluralism and the ‘fact’ of religious plurality, the coexistence of different religions in particular regions.¹³³ While Muslims should refrain from a pluralist stance towards faith and worship, the fatwa provides that religious plurality entails social contact across religious divides as long as no harm is done to the other.¹³⁴ In the context of the other statements, harm needs to be understood as an infringement of other people’s faith and worship. This becomes particularly problematic for the Ahmadi communities who face severe persecution, especially in the district of Kuningan. Excluding Ahmadis from Islam—which is the point of contestation—secures the true practice of Islam in the eyes of many while accepting that they share a common faith is feared to contribute to a blurring of intra-religious lines.¹³⁵

It is not the goal of the thesis to engage with the theological debates in the local environment. Rather, the distinction made in the fatwa highlights the operational scope in which local organizations are implementing projects on FoRB. The promotion of religious tolerance and inter- as well as intra-religious dialogues needs to adapt to this landscape in order to create space and to find partners for the project. Setaman was organized around the terms tolerance, diversity (which is central to the state slogan ‘unity in diversity’), and differences (‘Khebinekaan’).¹³⁶ *Unity in diversity* (‘bhinneka tunggal ika’) and nationality are implemented as unifying factors that are presented as key to living together. One of the workshop facilitators referred to the statement ‘we are all Indonesians’ when asked what message he wants to share in Setaman: ‘If we do not appreciate it, we are not Indonesian.’¹³⁷

Being familiar from school education, *tolerance* is an easily accessible term for the younger generation. Diversity and differences are ‘entry points’ for the promotion of pluralism.¹³⁸ Resistance towards the notion of pluralism came, if at all, from some heads of Islamic boarding schools (‘pesantren’), who are highly relevant actors in the network of Fahmina, and was based on the MUI fatwa. While the

¹³³ Ibid.

¹³⁴ Ibid., p. 97.

¹³⁵ Interviews 9, 22 and 31.

¹³⁶ Interview 17.

¹³⁷ Interview 15.

¹³⁸ Ibid.

Setaman program puts strong emphasis on the Indonesian constitution,¹³⁹ for many local religious leaders, MUI is a binding legal and political authority.¹⁴⁰ Fahmina's work therefore begins with the existing network of pesantren and religious leaders and aims at broadening it step by step. Identifying their partners and individual persons among religious leaders and the young generation, Fahmina takes sides in the larger polarized environment of 'conservative' versus 'progressive' Islamic teachings.¹⁴¹ Setaman is situated in this field of conflict. The manual of Setaman¹⁴² focuses on a wide range of differences such as ethical, religious, linguistic, and social differences, promoting an understanding of different perspectives and experiences as a natural element of life and creation. Sources for this are the history of Indonesia, the Constitutional framework including the state ideology of *Pancasila*¹⁴³ and state symbols, the local and diverse history of Cirebon, as well as religious scriptures and ideas, not only from the Islamic tradition but others as well. By focusing on diversity, Setaman is involved in contestations over the true interpretation of Indonesian nationality. This takes place in contestation with other actors who promote the idea of Indonesia as an Islamic country. In order to promote their work, Setaman is organized in cooperation with those religious leaders and pesantren that appreciate Fahmina as a relevant local and societal organization.¹⁴⁴

This first overview reveals the various and contingent factors (as suggested by Fairclough) that have an impact on the project implementation in Cirebon. The need for careful negotiation within the local context makes it difficult to apply secular human rights language with regard to religion. FoRB is not an explicit element of the project, workshops, and trainings. Fahmina and Pelita are involved and active elements in local discourses, developing and maintaining their own

¹³⁹ Interview 3.

¹⁴⁰ Interview 17.

¹⁴¹ During a conversation in Jakarta with another partner organization of MM (Imparsial), this field of conflict was mentioned as characteristic for Indonesia, where progressive approaches to the Holy Scriptures and Islamic teachings (associated with the promotion of religious tolerance) often do not reach the local level, where conservative teachings are dominant that promote an exclusive approach (interview 1).

¹⁴² The Indonesian copy has been translated with the help of Google translator.

¹⁴³ Pancasila is the state ideology of Indonesia, meaning 'five principles': (1) Belief in the one and only God; (2) Just and civilized humanity; (3) The unity of Indonesia; (4) Democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives; (5) Social justice for all the people in Indonesia.

¹⁴⁴ Interview 17.

networks, contacts, alliances, and being part of heated debates. One of the facilitators of Setaman, who works for Pelita, speaks of an opposition between Fahmina and Pelita on the one hand and other groups that are framed as radical, on the other hand.¹⁴⁵ As funding partners of MM, Fahmina and Pelita are at the same time instructed to develop initiatives on FoRB, including the identification of partners and facilitators, which leads to a mix of top-down and bottom-up dynamics at an organizational level. It is at this level, where the promotion of rights is part of the Setaman approach. One of the facilitators has hopes

that the Setaman approach leads to a caderization and can contribute to the promotion of tolerance. This is necessary in order to gather support to go against the existing government and official regulations. By this, everyone's rights can be realized. I wish to see how love, peace, and tolerance can be promoted and make a change in society.¹⁴⁶

The idea of caderization is related to the field of conflict that Fahmina is working in. Other groups are spreading their views in the area and are recruiting new and active members. This statement makes clear that it is not so much the promotion of rights but the spreading of love, peace, and tolerance that contributes to change, shifting the focus away from a legal and towards a societal effort.

In all the group and individual interviews conducted with participants of Setaman, it was striking that references were made to differences in their everyday environment and not so much with regard to religion. The workshops were designed as a very general educational tool to raise awareness about differences between persons, serving as an element of civic education. For some students, participating in the workshop was the first encounter with this perspective: 'I realized that I can use the Setaman knowledge in daily life when I am confronted with disagreements and other perspectives. Mainly in the school setting with my classmates.'¹⁴⁷ Another student stated that 'I always felt weird when seeing differences. Now I know that this is part of Indonesia: we cannot push ourselves to

¹⁴⁵ Interview 12. The groups mentioned are the Anti-Proselytising and Unlawful Teachings Group (GAPAS), Islamic Defenders' Front (FPI), Hizbut Tahrir Indonesia (HTI), all of which pursue the goal to uphold mainstreamed Islamic teachings and 'purify' the practice and faith of the Islamic communities in Indonesia.

¹⁴⁶ Interview 17.

¹⁴⁷ Interview 4.

be all the same.¹⁴⁸ This is connected to the informal setting of the workshop, including group discussions and games, offering alternative modes of communication and openness within the group. By bringing together young people from different contexts, Setaman offered a chance to meet new people while differences are often less visible in the everyday context of most young people.¹⁴⁹ Following from this, it can be concluded that Setaman was not designed mainly to address religious issues but provided a setting in which differences could be discussed and presented as something natural. The challenge of translating a program on FoRB into concrete action and adapt it to the lived realities on the ground results in the focus on everyday experiences of young people and the way that differences feature in this.

Nevertheless, as some interviews show, religious differences play a crucial role in this. Encountering people of other religions and learning about their faith was beset with anxieties and insecurities. One participant describes that the invitation to Setaman posed a problem to the religion teacher at school. He was convinced that they have not learnt enough about their own religion and was afraid that meeting people from other religious traditions and learning about them puts the students at the risk of conversion.¹⁵⁰ The perceived link between contact with other religions and a threat of conversion shows that especially young people are thought of as vulnerable and in need of protection and that conversion is perceived as a serious threat. To draw the line between learning and keeping distance was considered important by the participants as well as a response to the question what Setaman taught about tolerance and living together shows: 'You don't mock people from other religions. You have neighbors from other religions and it's actually okay to be friends with them as long as you don't follow them.'¹⁵¹

This highlights one of the main challenges for the promotion of FoRB as an individual human right. Similar to the difficulties with the contestation of pluralism, a central problem is that for many people in Indonesia, 'there is too much freedom.'¹⁵² Religion is not an object of personal decision-making but rather a collective identity essential to your place in society, defining your role and

¹⁴⁸ Ibid.

¹⁴⁹ Interview 5.

¹⁵⁰ Interview 6.

¹⁵¹ Interview 6.

¹⁵² Interview 14.

relations. The following statement was made by a student in one of the pesantren that are not involved in the activities of Fahmina. His central concern is with the *aqidah* (the faith) of Muslims in Indonesia:

To preserve the true Islam is important for living happily in this world. If some groups have a different *Aqidah*, it will become their and our problem. They will pay in the afterlife. But they are also disturbing our own belief. Especially if there are members in the community whose belief is still weak. However, having a different *Aqidah* but doing good to others is better than having the same *Aqidah* but doing violence. There are many different positions towards *Aqidah* depending on the Pesantren. [...] Your *Aqidah* is a matter of your own private life, [we] don't talk much about it. But your *Aqidah* influences your behavior and you are influencing other people. Their *Aqidah* will eventually change their behavior. That's how differences in *Aqidah* become a problem for society.¹⁵³

Although this understanding of faith as part of one's own private life is in line with the legal distinction of *forum internum* and *forum externum*, it is contrary to the promotion of FoRB as an individual right that protects a person's individual deliberations in matters of faith. Social change, fragmentation, outside influences are perceived as threats to those in the community whose faith is weak. A young college student (also not familiar with the work of Fahmina or Pelita), recounted a personal experience that shows how this threat and danger of losing one's faith is involved in doubts and feelings of vulnerability:

It is important to learn. But I am afraid to learn about other religions because my own belief is still shaky. At the same time, I feel that my own belief gets more stable when I learn about others. One situation, where I was afraid, was in a book store seeing these books about Christianity. I am afraid to open the books in the store although I would like to read in that section.¹⁵⁴

The feeling described here is one of anxieties in the face of other religious teachings and traditions. Being curious and uncertain at the same time, the anxiety expressed in this quote shows how the individual desire to learn faces limitations to

¹⁵³ Interview 16.

¹⁵⁴ Interview 7.

do so publicly. Faith-related insecurities among young people in Cirebon, although belonging to the majority religion, were frequently encountered during the time of the research.

5.3 Alternatives to FoRB: Practices of encounter and local wisdom

Local organizations have developed approaches to FoRB and living together that offer alternative frames of references in order to engage with other groups and create space for direct dialogue on the ground. This section will present three aspects of local culture that are particularly crucial in local ways of living together and that have a potential to contribute to human rights language: ‘Insan Kamil,’ ‘Ngaji Rasa,’ and ‘Silaturahmi.’

As the examples in the previous section highlight, one of the struggles lies in the question how engagement with the other can take place without being perceived as a risk to one’s own background and commitments in faith. As learned from a staff member of Fahmina, who is involved in facilitating and promoting the Setaman project, this obstacle is tackled by developing programs that start with practice, rather than conceptual questions:

People have understood FoRB when you can see it in how they communicate and interact with people from other faiths. This can be achieved by asking people to join activities and in personal relations. The level of actions is different from the mind-set. Starting with activities is easier than changing mind-sets.¹⁵⁵

Rather than focusing on the intellectual understanding of human rights, it is concerned with the actual communication and interaction that contributes to the living together across religious divides. This is directly in line with a study program at the Institute for the Study of Islam at Fahmina (ISIF) on human rights. The study

¹⁵⁵ Interview 14; Interview 8 shows that this approach is able to change perceptions of the other: One participant of Pelita’s activities states that ‘true Islam’ had been a concern of hers until she met young people from other religions and discovered that they had similar thoughts, which helped to accept differences in truth.

of human rights includes fieldwork where students live for several months with local communities, share their knowledge from ISIF, and also learn about the local context. This part of the studies is called 'learn and live,' bringing together local problems and the abstract knowledge gained during the study period.¹⁵⁶ The close interrelation with the local context and the study of Islam in relation to human rights enables an understanding of human rights that is open to other concepts. While the constitution and the knowledge about one's own rights are an important part of this, human rights are at the same time about 'how to become fully human.'¹⁵⁷ The Islamic concept behind this approach is referred to as 'Insan Kamil,' having its origins in Sufism and meaning to be useful to yourself and others. In such an approach to human rights, the local and national frameworks are interlinked. Constitutional provisions, the language of rights, and local ways of defining wellbeing are permeable, allowing for a more substantial definition of human wellbeing.

Another perspective that was introduced in conversations on what human rights actually mean drew on the concept of 'Ngaji Rasa.' Beginning by the difficulty that human rights are perceived as an abstract concept, which is hard to translate into concrete practice, facilitators of Setaman referred to the idea of Ngaji Rasa as a background to their work. Loosely translated it means as much as 'to walk in other shoes,' 'to put yourself into someone else's shoes'¹⁵⁸ or as 'I am you, you are me.'¹⁵⁹ Traditionally, Ngaji Rasa is understood as an ongoing process of moral growing. This includes local wisdom as well as insights into justice and equality. It is an essential part of becoming human ('hayati,' which includes life, thoughts, and feelings).¹⁶⁰ Ngaji Rasa would be insufficiently translated with (self-)empathy since it also involves a process of lifelong learning ('evaluate yourself'¹⁶¹). Although not directly used in the workshops, some answers indicate that the thought is appealing to the participants.¹⁶²

¹⁵⁶ Ibid.

¹⁵⁷ Interview 14.

¹⁵⁸ Interview 10.

¹⁵⁹ Informal conversation on 29 August 2015 with of the founders of Fahmina.

¹⁶⁰ Interview 10.

¹⁶¹ Interview 14.

¹⁶² Interview 4: 'You have to look at yourself. All starts with self-reflection. Understanding differences is part of this.'

Ngaji Rasa is a well-known aspect of local wisdom, emerging from local traditions. It is interlinked with the Islamic ideas of Insan Kamil, presenting one step in the process of 'fully becoming human.' Both ideas contribute to local work on human rights in a significant way. Rather than starting from the question of what are the rights that everyone should be able to enjoy, they present a definition of what it means to be human, including life, thoughts, and feelings, being in dialogue with yourself as well as with others. This is an alternative view on what the promotion of human rights aims to do: realizing rights aims at a status that can be achieved and upheld. Local concepts on the other hand are directed towards long processes of character development and improved situations of living together. This includes both individual and inner processes as well as engagement with the other. In this way, local wisdom and practices are an important source in the interpretation of human rights and values within society.

While Ngaji Rasa and Insan Kamil are conceptual frameworks that people draw on for the interpretation of human rights, the direct encounter of people and its value for societal wellbeing has been referred to under a third term, which is highly influential in the local context of Cirebon: 'Silaturahmi.' Literally translated into 'gathering,' the practice of Silaturahmi is highly valued in everyday life, including regular visits of friends, neighbors, family, sitting together, and having conversations. This is always accompanied by small snacks and tea, provided by the host. It is even a traditional duty to welcome guests. The deep roots of this practice can be seen in the architecture of houses that always open with some sort of half-public area where chairs and tables are placed. Guests can stay here and engage in conversation without entering further into the bed and living rooms of the family. During the time spent in Cirebon, it happened frequently that time was spent in front of houses, sitting around, sometimes waiting with someone else for the host who was not at home at the time. Sitting around, having a tea and coffee sometimes coincided with the arrival of other guests one was not familiar with. This way of getting to know people takes much time. When a friend's mother had to stay a couple of days in the hospital, the family had provided enough food and drinks for everyone who would come to visit that week. The hospital provided space outside the rooms where guests could stay. During Ramadan, regular visits of family and friends were a central aspect of the celebrations. The same is said to

happen during Christmas, other religious festivals, and, as experienced on several occasions during the research, at weddings. The familiarity of the concept of Silaturahmi, which is applied not only by Muslims but, for example, also by Christians indicates that its importance in Indonesian everyday life transcends any particular religious tradition.

At one occasion, Silaturahmi was described as the idea of 'know[ing] your neighbor, be in close contact, learn from him about his situation.'¹⁶³ The nuances of Silaturahmi can hence be expressed as learning from each other and talking *with* someone. In this, Silaturahmi differs from the learning *about* and talking *about* someone, which is problematic especially for minorities in the area. This makes Silaturahmi an element of reconciliation after conflicts as well as a means to prevent growing divides between different communities.

For the Ahmadiyah community in Manislor, Kuningan, Silaturahmi presented a formal way to establish and maintain relationships with Islamic authorities in the area.¹⁶⁴ This process can last a long time. Begun in 2010 after violent conflicts in Manislor, the relationship could be improved slowly over time. Similarly, a member of the Shia community in Cirebon framed Silaturahmi as a resource for social change. After the potential for tensions and conflicts had grown in Cirebon in relation to violent conflicts in other parts of Indonesia since 2009, Silaturahmi offered one possibility to engage with authorities and people of the majority on a local scale. Establishing good relations and maintaining an interest in the other have the potential to offer alternative narratives about minorities in the local context. The importance of this grows due to negative images and often propaganda on social media, international politics, and terror attacks in Indonesia as well as elsewhere.¹⁶⁵ The same interview partner experienced discrimination in his village after converting from Sunni to Shia Islam. His high reputation in the village helped to improve the situation. After the ties with the chief of the village had been broken, the plan to reestablish these good relations is considered as an effort in Silaturahmi.¹⁶⁶

¹⁶³ Budi Hartono in a public speech in Bandung on 17 August 2015.

¹⁶⁴ Interview 9.

¹⁶⁵ Interview II.

¹⁶⁶ Ibid.

People working for Pelita and Fahmina brought up Silaturahmi in conversations on radicalization as an effective strategy to counter such dynamics.¹⁶⁷ This follows the general idea that in places where people practice Silaturahmi more consciously, the potential for inter-group conflict is lower.¹⁶⁸ Where possibilities for its practice become reduced, distance between people grows, particularly because it presupposes an idea that doors are open for guests. Closing them creates insecurities for the environment. A student from the local Islamic University spoke of a Christian family that kept to themselves and moved away after a while. During the time they were neighbors, there was hardly any contact, no regular exchange, no Silaturahmi, and he and others were skeptical and afraid of disturbing them through spontaneous visits.¹⁶⁹ The need to keep doors open and engage with each other on a spontaneous basis was also emphasized by the head of local legislation in Kuningan, who keeps his own doors open and engages in direct encounters with the local population in his free time.¹⁷⁰

5.3 Conclusion: Diversity in and polarization around FoRB

Local organizations in Cirebon significantly alter the language around FoRB by focusing on differences, diversity, and tolerance. Rather than arguing on a theoretical level, the main focus lies on practices of encounter. At the same time, the discourse on FoRB activates distinctions between tolerant and intolerant groups, good and bad religion. Given the diversity within the local contexts, these distinctions do not work as clear categories: cooperation and contacts across these lines are a feature of everyday life. This, however, is reduced at an organizational level, where alliances, networks, and partnerships increase polarization around the question of tolerant Islam. Local practices and alternative concepts (such as Ngaji Rasa and Silaturahmi) have a higher potential to involve the diversity of people on the ground, where the distinctions around tolerance play a less prominent role.

¹⁶⁷ Interview 12.

¹⁶⁸ Informal conversation at Sofi Institute (new organization bringing together young people from around Cirebon), 16 August 2015.

¹⁶⁹ Interview 7.

¹⁷⁰ Interview 13, he admits that this also serves political interests in the next elections in the area.

Traditional Indonesian customs and ideas can help to encompass the distinction between good or bad.

Without these distinctions, however, FoRB has little justification to serve as an ethical and legal framework. Polarization in the local society around Cirebon (affected by polarizations on a broader level in Indonesian politics and even globally) helps to create legitimacy for FoRB—and FoRB itself creates polarization. The strong focus on Indonesian nationality within the Setaman project is an expression of how the discourse of FoRB feeds into questions of political belonging and rights. In the context of FoRB and religious tolerance—basic elements of MM’s program—these questions are tied to questions around the proper practice of belief.

As the discourse analysis of EU policymaking shows, the negative view of Islamic countries plays a crucial part in mapping religion and religious (in)tolerance. Projects on FoRB in Indonesia are justified and funded on the basis that there is an increased level of intolerance and fundamentalism. Narrow understandings of religion can be found within the discourse on FoRB as well as in local discourses stimulating feelings of insecurity with regard to faith and truth. Ideas of *freedom* in religion (associated with pluralism and the blending of religious traditions) are involved in definitions of truth. FoRB is not a neutral mediator of regulating differences but is involved in processes of meaning making.

By selecting and funding specific organizations and programs on FoRB, this discourse creates a shift in power relations on the ground in that particular actors are strengthened while others are excluded from the promotion of societal change. As a consequence of increased emphasis on this field of policymaking, there is reduced space for alternative approaches to conflicts, alternative frames of reference, and alternative networks on the ground. The discourse on FoRB privileges a view in which it is primarily Muslim countries and communities who are involved in this and have to answer the call for the promotion of tolerance. Setting FoRB as a minimum requirement for societal wellbeing in which all religious minorities can freely live and practice their faith, applies secular criteria as a universal standard that contributes to societal fragmentation and reduces the available options in local contexts to redefine the terms of the debate. This is further supported by a focus on terrorism and radicalization, which divides local actors into those who support or oppose it. Processes of funding and networking on

the ground involve both MM and the Indonesian organizations in the logic of good versus bad religion. This reaffirms a view on FoRB as central to tackling religious intolerance.

While the projects in Cirebon are part of this discourse on FoRB and hence are involved in growing tensions on the ground, the process of translating and adopting it to the local context reveals something crucial. Rather than looking at the rights of people or focusing on the vulnerability of particular groups, the concern is with more comprehensive ideas of human flourishing, wellbeing, and living together. This offers a perspective on FoRB and human rights that moves beyond the notion of rights.

What these findings suggest is that the global secular project on FoRB, as described in the chapters above, is limited to fully unfold in a particular local context. This is due to differences in how people think about and engage with religion. At the same time, local actors enact secular discourses around FoRB. By supporting networks on the ground that define religious intolerance as a main obstacle in realizing societal peace, the program on FoRB designed by MM reaffirms that 'religion' needs to be practiced in a specific way in order to build peace. In this process, the focus shifts away from other aspects of living together and conflict.

6. Conclusion: Towards a dialogic approach

The first part of this research shows that

- (a) FoRB discourse at the EU level privileges a particular understanding of 'religion' as individual belief, vulnerable, and either good or bad, which it continuously helps to construct and maintain;
- (b) This discourse is driven by the goal to uphold the secular regulation of religious differences by the nation-state, that is, the idea that secular legislation of FoRB is able to effectively deal with the problem of religious intolerance;
- (c) This idea is challenged by new forms of violence and discrimination in the name of religion, political radicalization, terrorism, and nationalist populism and Islamophobia;
- (d) The strong focus on a particular notion of 'religion' results from secular fears, which sit behind new initiatives on a global scale.

The second part of the research reveals that

- (a) This ambition to create global legal and ethical standards is challenged in the local environment of Cirebon, where FoRB contributes to further polarization between different groups;
- (b) Central to this are different understandings and realities on the ground around 'freedom' and 'religion';
- (c) Local organizations are confronted with the task to open these different discursive settings towards each other and find a common ground between international rights language and local traditions and ways of life;
- (d) In doing so, local projects focusing on the promotion of religious tolerance apply local language, broader questions about living together, and use less polarizing ideas.

Both parts of the research together show that there are fundamental differences between the EU and the Indonesian context. Yet, they are connected through political agendas, organizational cooperation, communication technologies, and global media coverage. FoRB is not only an aspect of promoting a global ethical framework for religious differences, it also leads to polarization on the ground in

which political questions are reproduced creating divides between different organizations and groups.

Following recent scholarship, the research presents a case for a dialogic approach to FoRB. 'Religion,' 'religious intolerance,' and 'FoRB' are part of particular ethical arrangements of religious differences. As both analyses in this thesis show, existing differences between both discursive settings need to be taken seriously. Taking this idea of the multicultural into consideration, Charles Lemert (2004, p. 47) speaks of 'changes in the deep structure of the One World ideal [requiring] ethics as, at least in principle, incommensurably plural.' At a minimum, this means to acknowledge that the idea of universal ethics is contested as an inherently coherent idea, deprived of its empirical basis. Although there is little space to deny that ideas, values, and norms naturally differ across the globe, the current politics of FoRB present a case for the desire to expand a particular secular framework to deal with the problem of religious intolerance in an effective and unifying way. This development, described and analyzed in the previous chapters, is one version of what Lemert (p. 54) calls the 'organizing Ought of modernity,' creating and implementing One World standards in spite of the empirical fact of social, cultural, and ethical differences.

Yet, organizational cooperation, funding mechanisms, and a strong political leverage on the side of Euro-American actors create an environment in which political and legal standards pervade different contexts even if they are significantly different. Against an understanding of secular ethics as a universal principle, this thesis will conclude by engaging the issue of FoRB within a dialogic perspective, arguing not only for the possibility but also for the necessity to identify elements in FoRB that Webb Keane described 'as itself helping to constitute an ethical lifeworld' (2015, p. 64).

As the theoretical discussion has pointed out, there is an academic focus on dialogic elements within international politics, arguing for the limitations of secular human rights language and the space to rethink it.¹⁷¹ Secular studies have contributed to a more nuanced understanding of the biases within secularism

¹⁷¹ Personal exchange with NGO personnel in the Netherlands as well as at the Dutch Foreign Ministry, where findings of the fieldwork in Indonesia were presented, affirms that these questions are not only interesting from an academic perspective but fall on fruitful grounds within policy and practitioner circles as well.

towards individual understandings of religion, often privileging Christian minorities in the mapping of religious intolerance. Globalization encompasses both top-down and bottom-up processes, and yet the discourse on FoRB is one in which language derives solely from secular human rights frameworks. Power relations within development work and funding requirements reaffirm the discourse on FoRB, singling out partners on the ground that fit into the existing discourse. While local actors are forced to translate FoRB in order to achieve their goals, this creative process is hindered at the EU level by the naturalization of particular forms of knowledge on 'religion' and FoRB. However, where this discourse is opened, there could emerge what Peter Danchin calls an intersubjective hermeneutics and critical praxis on FoRB.

Methodologically, this finds an expression in Les Back's argument in *The Art of Listening* (2013, p. 23) to understand sociology and anthropology as 'a form of active listening that challenges the listener's preconceptions and position while at the same time it engages critically with the content of what is being said and heard.' An historical example (the drafting process of the UDHR) given by Paul Brink (2003) sheds some light on how the distinction between the two roles of the 'hearer' and the 'speaker' can serve as a useful distinction to overcome language barriers by accepting the terms of the other while listening. This, however, requires a level playing field in which the marginalized are accepted as speakers. Future research in the field of religion and law can help to facilitate such dialogues by giving space, time, and attention to the varieties, differences, and commonalities across geographical and cultural lines.

On the basis of this research, I argue that FoRB is studied incompletely if it does not include both discursive analyses of the religion-law nexus in international politics as well as anthropological perspectives on the lifeworlds supporting, surrounding, and responding to these discourses. The challenge is to find ethical grounds that are inclusive towards fears and anxieties around 'religion' (what I call secular fears), taking them seriously as an aspect of legal regulation and management, as well as towards the concrete interplay of norms and values in local settings that often escape a concrete legal expression.

Common ground in spite of differences can be reached in moments of listening, which 'also means entering into difficult and challenging critical dialogue with

one's enemies as well as one's allies' (Back, 2013, p. 23). This research agrees with the position that there is no universal validity in the religious/secular binary and hence in the notion of 'religion,' but that these categories are highly unstable. At the same time, the thesis tries to acknowledge that 'religion' and FoRB have become elements of ethical norms that research needs to engage with. Rather than dismissing the notion of 'religion' as a flawed category, it needs to be studied in terms of its capacities and effects. The same applies to the idea of human rights. The examples of Ngaji Rasa and Insan Kamil show that human rights and traditional local and Islamic teachings open up to each other and enable the discourse of FoRB to facilitate encounter between various ethical frameworks. For this to happen, the dominant framework of international law needs to be suspended as the primary reference. Remaining on a seemingly factual level of rights language renders alternative ideas invisible.

This research has offered two main ideas that guide this approach: First, human rights language, which focuses strongly on the legal *status* and entitlement of people, can converge with local concepts of living together and 'becoming human' that focus on *processes* and *developments* rather than a particular status. At the EU level, ideas of human development can be seen in the strong focus on the universality and indivisibility of human rights, highlighting the idea of an ongoing struggle for every human being to be able to realize their own goals, ambitions, and desires. In this light, human rights are about the common wish for fulfillment in everyone's life.

And second, although local wisdom and practices, differing from place to place, present culturally relative ways of life, these relative ways of striving towards human flourishing might actually be closer to the universal ambitions underlying the idea of human rights than the focus on individual rights themselves. Contrary to this, focusing on 'religion' as individual and vulnerable as well as divided into good and bad is counterproductive to the idea of universal human rights in which religious life is much more a source of defining the human than an obstacle in realizing human rights. The space for these opportunities is increasingly limited by the discourse on FoRB.

In order to avoid a reductive notion of FoRB as a clearly defined legal norm, the thesis argues that FoRB is better understood as an interpretive category that can

activate not only legal debates but also facilitate encounters and debates that move beyond the language of law. If FoRB possesses validity as an ethical ideal beyond the framework of Euro-Atlantic policymaking, it needs to be thought of as a starting point for further interpretation and questions—not as an end in itself.

List of interviews

- Interview 1 Program officer at Imparsial, Jakarta, 23 June 2015.
- Interview 2 Head of pesantren al-Mizan, Majalengka, 30 June 2015.
- Interview 3 Staff member of Fahmina Institute, former director of Pelita, Cirebon, 2 July 2015.
- Interview 4 Group of four high school students from Cirebon, who participated in the Setaman workshop in Cirebon, 21 August 2015.
- Interview 5 Group of three participants of the Setaman workshop in Majalengka, 23 August 2015.
- Interview 6 Two participants of the Setaman workshop in Majalengka, 23 August 2015.
- Interview 7 Group discussion with six college students, Cirebon, 27 August 2015.
- Interview 8 Four students from Pesantren Babakan, who have participated in at least one of Pelita's interfaith meetings, Cirebon, Babakan, 14 August 2015.
- Interview 9 Two representatives of the Ahmadi community in Manislor, Kuningan, 29 July 2015.
- Interview 10 Two members of Pelita and Youth Interfaith Forum, future facilitators of Setaman, Cirebon Kapupaten, 30 July 2015.
- Interview 11 Member of the Shia community in Cirebon, Kapupaten Cirebon, 28 July 2015.
- Interview 12 Member of Pelita and FPI, Cirebon, 11 August 2015.
- Interview 13 Head of legislation in Kuningan, 31 August 2015.
- Interview 14 Staff member of Fahmina, Cirebon, 12 August 2015.
- Interview 15 Facilitator of the Setaman workshop in Majalengka, 25 August 2015.
- Interview 16 Local university and Pesantren student, Cirebon, 28 August 2015.
- Interview 17 Coordinator of the 'Islam & Democracy' program at Fahmina, Cirebon, 28 August 2015.

Bibliography

Agrama, H.A., 2011. Sovereign Power and Secular Indeterminacy. Is Egypt a Secular or a Religious State? In: W.F. Sullivan, R.A. Yelle, M. Taussig-Rubbo, eds. *After Secular Law*. Stanford: Stanford Law Books. pp. 181–191.

Anidjar, G., 2015. Christianity, Christianities, Christian. *Journal of Religious and Political Practice*, 1(1), pp. 39–46.

Anidjar, G., 2006. Secularism. *Critical Inquiry*, 33(1), pp. 52–77.

Appadurai, A., 2001. Grassroots Globalization and the Research Imagination. In: A. Appadurai, ed. *Globalization*. Durham: Duke University Press. pp. 1–21.

Appadurai, A., 1996. Disjuncture and Difference in the Global Cultural Economy. In: A. Appadurai, *Modernity at Large. Cultural Dimensions of Globalization*. Minneapolis: University of Minnesota Press. pp. 27–47.

Appleby, R.S., 2000. *The Ambivalence of the Sacred. Religion, Violence, and Reconciliation*. Oxford: Rowman & Littlefield Publishers.

Arendt, H., 1979. *Origins of Totalitarianism*. 4th ed. New York: A Harvest Book Harcourt Brace & Company.

Årsheim, H., 2016a. Whose Religion, What Freedom? Discursive Constructions of Religion in the Work of UN Special Rapporteurs on the Freedom of Religion or Belief. In: F. Wijsen and K. von Stuckrad, eds. *Making Religion. Theory and Practice in the Discursive Study of Religion*. Leiden: Brill. pp. 287–316.

Årsheim, H., 2016b. Secularist Suspicion and Legal Pluralism at the United Nations, *Religion and Human Rights*, 11, pp. 166–88.

Asad, T., 2012. Thinking about religion, belief, and politics. In: R. Orsi, ed. *The Cambridge Companion to Religious Studies*. Cambridge: Cambridge University Press, pp. 36–57.

Asad, T., 2009. Response to Gil Anidjar. *Interventions: International Journal of Postcolonial Studies*, 11(3), pp. 394–399.

Asad, T., 2005. Reflections on Laïcité & the Public Sphere. *Items and Issues*, 5(3).

Asad, T., 2003. *Formations of the Secular. Christianity, Islam, Modernity*. Stanford: Stanford University Press.

Back, L., 2013. *The Art of Listening*. London and New York: Bloomsbury Academic.

- Beaman, L.G., 2012. Battles over Symbols: The “Religion” of the Minority versus the “Culture” of the Majority. *Journal of Law and Religion*, 28(1), pp. 67–104.
- Beaman, L.G., 2010. Is Religious Freedom Impossible in Canada? *Law Culture and the Humanities*, 8(2), pp. 266–284.
- Berger, B.L., 2007. Law’s Religion: Rendering Culture. *Osgoode Hall Law Journal*, 45(2), pp. 277–314
- Bergunder, M., 2014. What is Religion? The Unexplained Subject Matter of Religious Studies. *Method and Theory in the Study of Religion*, 26, pp. 246–286.
- Bhuta, N., 2014. Two Concepts of Religious Freedom in the European Court of Human Rights. *The South Atlantic Quarterly*, 113(1), pp. 9–35.
- Bielefeldt, H., Ghanea, N., and Wiener, M., 2016. *Freedom of Religion or Belief. An International Law Commentary*. Oxford: Oxford University Press.
- Bilde, M., 2015. Religion and Foreign Policy: A Brussels Perspective. In: M. Barnett, et al., eds. *Faith, Freedom, and Foreign Policy. Challenges for the Transatlantic Community*. Washington: Transatlantic Academy. pp. 156–160.
- Bilgrami, A., 2014. Secularism: Its Content and Context. *Journal of Social Philosophy*, 45(1), pp. 25–48.
- Blackledge, A., 2012. Discourse and power. In: P. Gee and M. Handford, eds. *The Routledge Handbook of Discourse Analysis*. New York: Routledge, pp. 616–627.
- Brink, P., 2003. Debating International Human Rights: The “Middle Ground” for Religious Participants. *The Brandywine Review of Faith & International Affairs*, 1(2), pp. 13–20.
- Brown, W., 2015. Religious Freedom’s Oxymoronic Edge. In: Sullivan, et al., eds. *Politics of Religious Freedom*. Chicago: Chicago University Press. pp. 324–334.
- Cady, L. and Hurd, E.S., eds., 2010. *Comparative Secularisms in a Global Age*. New York: Palgrave Macmillan.
- Calhoun, C., Juergensmeyer, M., VanAntwerpen, J., eds., 2011. *Rethinking Secularism*. Oxford: Oxford University Press.
- Carothers, T., 1998. The Rule of Law Revival. *Foreign Affairs*, 77(2), pp. 95–106.
- Casanova, J., 2015. *Europas Angst vor der Religion*. 3rd ed. Berlin: Berlin University Press.
- Casanova, J., 2011. The Secular, Secularizations, Secularisms. In: C. Calhoun, M Juergensmeyer, and J. VanAntwerpen, eds. *Rethinking Secularism*. Oxford: Oxford University Press. pp. 54–74.

- Cavanaugh, W., 2009. *The Myth of Religious Violence*. Oxford: Oxford University Press.
- Christoffersen, L., 2006. Intertwinement: A New Concept for Understanding Religion-Law Relations. *Nordic Journal of Religion and Society*, 19(2), pp. 107–26.
- Danchin, P.G., 2011. Islam in the Secular Nomos of the European Court of Human Rights. *Michigan Journal of International Law*, 32, pp. 663–747.
- Danchin, P.G., 2008. Suspect Symbols: Value Pluralism as a Theory of Religious Freedom in International Law. *The Yale Journal of International Law*, 33, pp. 1–61.
- Danchin, P.G., 2007. The Emergence and Structure of Religious Freedom in International Law. *Journal of Law and Religion*, 23(2), pp. 455–534.
- de Jong, D., 2015. The Contribution of the European Parliament to the Protection of Freedom of Religion or Belief through the External Relations of the European Union. In: M. Evans, P. Petkoff, and J. Rivers, eds. *Changing Nature of Religious Rights under International Law*. Oxford: Oxford University Press, pp. 164–184.
- De Sousa Santos, B. and Rodríguez-Garavito, C.A., eds. 2005. *Law and Globalization from Below: Towards a Cosmopolitan Legality*. Cambridge: Cambridge University Press.
- Doe, N., 2011. *Law and Religion in Europe: A Comparative Introduction*. Oxford: Oxford University Press.
- Doe, N., 2009. Towards a “Common Law” on Religion in the European Union. *Religion, State & Society*, 37(1–2), pp. 147–166.
- Evans, C., 2011. Individual and Group Religious Freedom in the European Court of Human Rights: Cracks in the Intellectual Architecture. *Journal of Law and Religion*, 26(1), pp. 321–343.
- Fairclough, N., 2012. Critical discourse analysis. In: P. Gee and M. Handford, eds. *The Routledge Handbook of Discourse Analysis*. New York: Routledge. pp. 9–20.
- Fairclough, N., 2006. *Language and Globalization*. New York: Routledge.
- Fairclough, N., 1995. *Critical discourse analysis: The critical study of language*. London: Longman.
- Fitzgerald, T., 2000. *The Ideology of Religious Studies*. New York: Oxford University Press.
- Foret, F., 2015. *Religion and Politics in the European Union: The Secular Canopy*. Cambridge: Cambridge University Press.

- Gorski, P.S., Kim, D.K., Torpey, J., and VanAntwerpen, J., eds. *The Post-Secular in Question. Religion in Contemporary Society*. New York: New York University Press.
- Grötsch, F., 2009. The Mobilization of Religion in the EU (1976–2007): From “Blindness to Religion” to the Anchoring of Religious Norms in the EU. *Journal of Religion in Europe*, 2, pp. 231–256.
- Gunn, T.J., 2003. The Complexity of Religion and the Definition of “Religion” in International Law. *Harvard Human Rights Journal*, 16, pp. 189–215.
- Hennink, M., Hutter, I., Bailey, A., 2011. *Qualitative Research Methods*. London: SAGE.
- Hjelm, T., 2016. Theory and Method in Critical Discursive Study of Religion: An Outline. In: F. Wijsen and K. von Stuckrad, eds. *Making Religion. Theory and Practice in the Discursive Study of Religion*. Leiden: Brill. pp. 15–34.
- Hunter, I., 2014. Religious Freedom in Early Modern Germany: Theology, Philosophy, and Legal Casuistry. *The South Atlantic Quarterly*, 113(1), pp. 37–62.
- Hurd, E.S., 2015. *Beyond Religious Freedom. The New Global Politics of Religion*. Princeton: Princeton University Press.
- Hurd, E.S., 2012. International politics after secularism. *Review of International Studies*, 38(5), pp. 943–961.
- Kayaoğlu, T., 2014. Postsecularism, Islam, and Religious Freedom: Cases from the European Court of Human Rights. In: L. Mavelli and F. Petito, eds. *Towards a Postsecular International Politics. New Forms of Community, Identity, and Power*. New York: Palgrave Macmillan. pp. 242–262.
- Keane, W., 2015. What Is Religious Freedom Supposed to Free? In: W.F. Sullivan, et al., eds. *Politics of Religious Freedom*. Chicago: Chicago University Press. pp. 57–65.
- Künkler, M. and Sezgin, Y., 2016. The Unification of Law and the Postcolonial State: The Limits of State Monism in India and Indonesia. *American Behavioral Scientist*, 60(8), pp. 987–1012.
- Leigh, M., 2015. Religious Freedom in the European Union and Its Southern Neighborhood. In: M. Barnett, et al., eds. *Faith, Freedom, and Foreign Policy. Challenges for the Transatlantic Community*. Washington: Transatlantic Academy. pp. 138–155.
- Lemert, C., 2004. Can the Worlds Be Changed? On Ethics and the Multicultural Dream. *Thesis Eleven*, 78, pp. 46–60.
- Lindholm, T., Durham, W.C., Tahzib-Lie, B.G., Ghanea, N., 2004. Introduction. In: T. Lindholm, W.C. Durkam, B.G. Tahzib-Lie, eds. *Facilitating Freedom of Religion or Belief: A Deskbook*. Doordrecht: Springer Science+Business Media. pp. xxvii–lxxiv.

- Lindkvist, L., 2013. The Politics of Article 18: Religious Liberty in the Universal Declaration of Human Rights. *Humanity*, 4(3), pp. 429–447.
- Lo Giacco, M.L., 2016. Hidden meanings of the words “religion” and “religious” in legal discourse. *Semiotica*, 209, pp. 341–355.
- Mahmood, S., 2016. *Religious Difference in a Secular Age. A Minority Report*. Princeton: Princeton University Press.
- Mahmood, S., 2010. Can Secularism Be Other-wise? In: M. Warner, J. VanAntwerpen, C. Calhoun, eds. *Varieties of Secularism in a Secular Age*. Cambridge: Harvard University Press. pp. 282–299.
- Masuzawa, T., 2005. *The Invention of World Religions, or, How European Universalism was Preserved in the Language of Pluralism*. Chicago: Chicago University Press.
- Mavelli, L., 2012. *Europe’s Encounter with Islam. The Secular and the Postsecular*. Abingdon and New York: Routledge.
- Mavelli, L. and Petito, F., eds., 2014. *Towards a Postsecular International Politics. New Forms of Community, Identity, and Power*. New York: Palgrave Macmillan.
- McCrae, R., 2009. Religion as a Basis of Law in the Public Order of the European Union. *Columbia Journal of European Law*, 16, pp. 81–119.
- McCutcheon, R.T., 2001. *Critics Not Caretakers. Redescribing the Public Study of Religion*. New York: State University of New York Press.
- McCutcheon, R.T., 1997. *Manufacturing Religion: The discourse on sui generis religion and the politics of nostalgia*. New York: Oxford University Press.
- Mudrov, S.A., 2016. Religion in the Treaty of Lisbon: Aspects and Evaluation. *Journal of Contemporary Religion*, 31(1), pp. 1–16.
- Richardson, J.T., 2011. Religion and the Law: An Interactionist View. In: P.B. Clarke, ed. 2011. *The Oxford Handbook of the Sociology of Religion*. Oxford: Oxford University Press. pp. 418–431.
- Rodríguez-Garavito, ‘The Future of Human Rights: From Gatekeeping to Symbiosis,’ *SUR International Journal on Human Rights* 20 (2014), pp. 499–509
- Schonthal, B., Moustafa, T., Nelson, M., and Shankar, S., 2016. Is the Rule of Law an Antidote for Religious Tension? The Promise and Peril of Judicializing Religious Freedom. *American Behavioral Scientist*, 60(8), pp. 966–986.
- Sherwood, Y., 2015. On the Freedom of the Concepts of Religion or Belief. In: W.F. Sullivan, et al., eds. *Politics of Religious Freedom*. Chicago: University of Chicago Press. pp. 29–44.

- Smith, J.Z., 1982. *Imagining Religion: From Babylon to Jonestown*. Chicago: Chicago University Press.
- Sullivan, W.F., 2005. *The Impossibility of Religious Freedom*. Princeton: Princeton University Press.
- Sullivan, W.F., Hurd, E.S., Mahmood, S., and Danchin, P.G., 2015. Introduction. In: W.F. Sullivan, E.S. Hurd, S. Mahmood, and P.G. Danchin, eds. *The Politics of Religious Freedom*. Chicago: The University of Chicago Press. pp. 1–9.
- Taylor, C., 2012. The Meaning of Secularism. In: D. Hoover and D. Johnston, eds. *Religion and Foreign Affairs*. Baylor University Press. pp. 11–19.
- Taylor, C., 2007. *A Secular Age*. Oxford: Oxford University Press.
- Thames, K., 2015. *Building a Global Alliance for Religious Freedom*. [online] Available at: <<http://ippforb.com/building-a-global-alliance-for-religious-freedom>> [Accessed 5 October 2016].
- Upham, F., 2006. Mythmaking in the Rule-of-Law Orthodoxy. In: T. Carothers, ed. *Promoting the Rule of Law Abroad. In Search of Knowledge*. Washington: Carnegie Endowment for International Peace. pp. 75–104.
- van Dijk, T., 2012. Discourse and knowledge. In: P. Gee and M. Handford, eds. *The Routledge Handbook of Discourse Analysis*. New York: Routledge. pp. 587–603.
- von Stuckrad, K., 2013. Secular Religion: A Discourse-historical Approach to Religion in Contemporary Western Europe. *Journal of Contemporary Religion*, 28(1), pp. 1–14.
- von Stuckrad, K., 2010. Reflections on the Limits of Reflection: An Invitation to the Discursive Study of Religion. *Method and Theory in the Study of Religion*, 22, pp. 156–169.
- Whitman, R. and Juncos, A., 2009. The Lisbon Treaty and the Foreign, Security and Defence Policy: Reforms, Implementation and the Consequences of (non-) Ratification. *European Foreign Affairs Review*, 14, pp. 25–46.
- Wilson, E.K., 2012. *After Secularism. Rethinking Religion in Global Politics*. New York: Palgrave Macmillan.