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Religion, Conflict and Globalisation

Master Thesis

*Nation-State Interference in Religious Affairs –
 on the impossibility of keeping religion out of the public
 sphere and the consequences of over-emphasizing the
 religious affiliation of ‘others’.*

by

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Abstract

The thesis discusses the consequences of nation-state interference in religious affairs, when it overemphasises the religious affiliations of the people who are seeking to cross its borders. It reveals how religion becomes enmeshed with the politics of nation state, and why the latter is engrained in negative stereotypical and harmful assumptions about religion, particularly with regard to Islam. These issues are demonstrated along the three following case studies: The first, covers Iranians who have converted from Islam to Christianity and who were denied refuge by a European court on the basis that their conversion was assumed to be insincere.

The second case study that is set in France, tries to understand the dynamics behind why the nation-state seeks to verify the genuineness of immigrant marriages by placing prospective partner's feelings and affiliation to secularity under scrutiny. These two cases exemplify well that religion and law share a complicated relationship, where the reasoning for or against acknowledging one's human right to religious freedom, is based mostly on secular interpretations, as well as on how Christianity and Islam are problematically constructed and hierarchised in the West. The cases also clearly demonstrate the impossibility of the secular nation-state to maintain a strict separation from religious affairs, by its attempts to survey the private sphere, to which it had confined religion thus far, in order to preserve and guarantee national identity.

The final case study looks at German citizenship tests which examine whether people 'truly identify' and are compatible with 'Western values'. The issue falls under the aspect of state securitization in times of globalization, in which religion is used as a strategic political tool to legitimize state measures for keeping people out of their borders. This is achieved by enhancing "us versus them" discourses in which the "religious other" (Islam) is elected as the principle threat to "liberal, western values", which are rooted in Christianity.

The thesis concludes, that while the increasing awareness to recognize the complexities of religion is encouraging, there is still a lack of tangible and realistic solutions to help avoid the over-emphasis of religious affiliation to be instrumentalized for political gains.

Keywords

Religion, secularism, securitisation, religious freedom, nation-state, islamophobia, (forced) migration, France, Germany, identity

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1. Introduction

The word *religion* etymologically originates from the Latin word *religio*, which in ancient and medieval times was considered as an individual virtue of worship, but never as doctrine, practice, or actual source of knowledge as it is today (Harrison, 2015).

The fact that religion eventually did become a doctrine, practice and a source of knowledge in a large number of cultures and civilizations, has unfortunately turned it into a useful scapegoat for fermenting conflicts and terrible wars in its name. Religious conflicts date back to the Ancient Greek period where they were known as sacred wars. They were much later followed by one of the deadliest conflicts religious in history, the Crusades that pitted a Christian Europe against the newly established Islam in an attempt to free the “Holy lands” from the non-Christian intruders. It appears that the terrible memories of this conflict persisted up to this day, albeit at a lower intensity but with dire consequences nevertheless, as it has seemingly split the relations between these two global religions and those who practice them, paving the way for violent conflicts in the name of religion to emerge once again.

While the interconnectedness of religion in politics and the nation-state today is most evident to scholars of religious studies, its relevance and implications have been overlooked in the political sphere for far too long. Only recently have fields of study such as international relation begun to mull over religion in its entire complexity, deviating from the assumption that it is easily definable (Wilson, 2019a). There is an increased aspiration to better understand the dynamics, structures and interwovenness of issues involving religion. Still, even most recent policy papers do not include or accurately depict the topic in their proposals (UK Government Home Office, 2020). The awareness that religion might play a more focal role in the world's global dynamics, and that it is definitely worthy of more thorough attention and discussion, is coming quite late to the table, considering that a large number of conflicts and social topics of recent times revolve around or include religious issues in some way. Religious terrorism, increasingly conservative outlays of religious practices, religious instrumentalization in politics and unprecedented numbers of (religious) people on the move, has made grappling the topic of religion unavoidable and pressing.

To sum it up, the general aim of this thesis is to expand on and dismantle generally upheld stereotypes and the shedding of false assumptions that lead to the discrimination of people based on their religion. It intends to provide an understanding and a way to disentangle all the different processes that interconnect and play into the diversity that are migration, religion, law and the nation state. The results of this work are supposed to permit a more nuanced understanding of religion's significance in the public sphere of today's globalised age. In the first part of the dissertation, I will touch upon the themes of human and religious rights, the topic of religious conversion and identity as well as secular frameworks in times of religious resurgence. The

second part of this thesis is dedicated to the need to recognise the entanglement of categories, such as religion, culture and even race (McNevin, 2011, p. 15). These categories are extremely fluid and consequently vulnerable to be deployed and instrumentalized to suit certain political gain, especially in the realms of alt-right narratives. The passage considers the difficulty of distinguishing between if something is religious or culturally defined.

I am driven by the idea that all listed aspects above are interconnected and need to be addressed together, to obtain a full faceted understanding of the aforementioned dynamics. Only then can productive and sustainable resolutions be found and elaborated. I will do so by introducing the three following case studies: The first case covers Iranian people who have converted from Islam to Christianity and who were denied refuge by a European court on the basis that their conversion was assumed insincere. The issue raises the question of human and religious rights violations, specifically that of religious freedom. I explore in what way constructed projections of what is considered “good” and “bad” religion (Meyer, 2019), play into how we stereotype migrants and migration processes. Connected to that is the question if and how they influence court decision making and what that means in the context of religious freedom. What is it that makes (western) societies/ powers so prone to placing judgement on people’s religious beliefs and take action against them? Who is a judge to decide over whether a Muslim did or did not convert to Christianity out of faith? How are the categories of Islam/ Christianity constructed? What should be done to further prevent asylum seekers from being judged by their religious heritage, which is ingrained with negative stereotypes? All of these questions will be discussed.

In comparison, the second case study that is set in France, tries to understand the dynamics behind why the nation-state seeks to establish the genuineness of immigrant marriages by placing prospective partners’ feelings and affiliations to secularity under scrutiny (Selby, 2019). Alongside it, secular assumptions are taken apart and problematized. I argue that the common negative stereotypes, specifically against Islam, persevere because of how they are anchored in a mostly secular understanding of religion, which hierarchises itself above certain kinds of religions.

Cases one and two are part of the analytical third chapter and both revolve around the legitimacy of migrant’s and refugee’s religious motives being doubted by the nation state based on negative assumptions projected onto religion (Islam). This aspect seems more pressing and relevant than ever, as the threshold for evidence of persecutions, for whatever reason, is getting increasingly higher. In other words, the role of the state in these processes is not to be ignored, which brings us to the final case study. As part of the analytical chapter four, which looks at the role of nation state, the case presents German citizenship tests that examine whether people ‘truly identify’ and are compatible with ‘Western values’ (Amir-Moazami, 2016) as part of increased securitisation measures set up against the threat of the religious “other”. While religion, at first glance, appears

to be the main factor for discrimination against asylum seekers and migrants, I argue that religion is simply instrumentalised as a means of legitimising anti-refugee discourses and could perhaps even be related to the idea of “racism”. This “new racism” (Balibar, 1998) no longer discriminates on the basis of skin colour, but rather on one’s cultural/religious background. Terms such as “islamophobia” (fear, hatred, or prejudice against Muslims) and “xenophobia” (dislike or prejudice against people of other cultures) are important to consider in this context.

The principle research question of this thesis therefore asks: *“What are the consequences of nation-state interference in religious affairs, when it overemphasises religious affiliations of the people seeking to cross its borders?”*. This in turn raises the need for the following sub questions: When and how has it become 'common sense' for immigration officials to question people's conversion stories or actions within a religious context? How are the categories of Islam and Christianity constructed and deployed in discussions of (im)migration and asylum applicants? What role does state interference play in the way Muslim asylum seekers and migrants are met/rejected? Can the hostility towards the “religious other” be framed as primarily a reaction to feelings of threatened (western) Identity and values? Or are there other influences at play? And finally, if nation-state-imposed securitization measures are legitimised through negative interpretations of religion, do its motives originate from a putatively secular discourse or is religion politically used as a mantle to allow underlying (ethnic) discrimination?

For this thesis I am employing the method of discourse analysis to help with investigating the processes around migration, religion, and politics as well as their consequences. The current coronavirus situation compelled me to rethink the approach to my master thesis topic. Though initially having planned to conduct interviews as part of qualitative research methods, I had to deviate to a purely literature-based approach to the topic instead. Hence, in the context of discourse analysis, the three case studies mentioned above are used as reference data. The idea is to dive into the complexity of the topics cited, prevent generalisation and promote more nuanced analysis. This will in part be achieved by an epistemological approach through which knowledge is acquired by critically reflecting on people’s reason for action. The research conducted tackles the topics at hand from an interpretative perspective, by trying to discern the reasons and motivations that perpetuate discrimination narratives and measures against people trying to settle in the “West”.

As part of my research, I am aware of the importance of clarifying specific terminologies used in the writing. The terms “migrant” and “refugee” are loaded with negative connotations and have ultimately caused much harm in their employment in discussions around the issues of (forced) migration. Still for this thesis I have decided to employ the term “asylum seeker”, specifically in the context of the first case studies on Iranian converts, out of a lack of alternatives. Here the term stands for those who have fled from their home due to fear of persecution and are in the process

of seeking asylum. They are not yet refugees as their asylum plea has not been granted by international law so far.¹ The term “migrant” is considered as an umbrella term which is not defined under international law. It generally stands for those people who find themselves temporarily or permanently on the move across country or international borders, away from their home residence. The same definition applies to this thesis. I will also talk about immigrants in context of Germany’s Turkish community.

With this thesis I hope to provide a general introductory overview of the issues and dynamics at play when it comes to religion and to thus jumpstart interest for further critical engagement with the topic.

2. Literature Review & Theoretical Framework

The topic of migration has a long history in academic interest, more recently becoming a focal topic in public and political debates regarding refugees. From its causes to its consequences, the issue accumulated a large body of literature from numerous research disciplines, as it has increasingly gained academic significance over recent years.

This thesis includes the topic of religion to the context of migration, as understanding the role of religion in migration processes is crucial in unravelling the different political and societal dynamics that are at play. Tightly connected to the problematization of religion and migration, is the idea of the secular outlay of western countries, which implies the strict separation of religion from nation state affairs, with the intent to thereby guarantee religious freedom. However, as will be demonstrated in the analytical chapters of the thesis, the separation of the public (state) and private (religion) sphere has proven to be more complex and difficult to maintain, due to the inevitable overlapping of the two. Still, secular perspectives on the issue of migration prevail. The side effect is then, that discussions on rising religious issues such as xenophobia and islamophobia do not take into account the religious realities of the people concerned. Instead negative “us vs. them” dynamics are constructed which have led to Muslim migrants and asylum seekers to be discriminated, based on persisting negative stereotypes around their religious/cultural background.

This thesis seeks to connect the dots and thereby places the topic of research within these overlapping issues that occur in the study of religion and secularism. This further includes the topics of religious freedom, state law, conversion, nation-state securitisation and identity amongst other. Not only are they all interconnected, but their association to each other lacks

¹ The “refugee” definition can be found in the 1951 Convention and regional refugee instruments, as well as UNHCR’s Statute

research. For example, literature regarding the reasons for which migrants pursue religious conversion in general and specifically from Islam to Christianity, is available in form of numerous case studies. Literature on the question of religious freedom in court decisions exists as well. However, there is a lack of research on the issue as to why European courts of law deny asylum grants based on religious affiliation, as exemplified on the Iranian case study described in the introduction. What is it exactly that makes a court dismiss the dangers one is exposed to because of their religion? Is it the secular perspective from which state law acts? Is it the stereotypes fashioned by media and political discourses? Or does it have to do with the way religion and secularism are categorised?

In the following chapter the literature relevant to this thesis will be reviewed, aimed to give the reader an overview of the current state of the debate, as well as providing background information to the dynamics at play. As this thesis touches upon several different topics I have devised them into the subtitles of religious resurgence, the category of religion and forced migration with a focus on religious conversion as the phenomena is quite complex.

2.1. Religious Resurgence

Refuting Secularisation Theory

Modernisation, the consequent evolution of political and economic systems, and the dilution of locality have led to the development of secularisation theory. This theory assumed that the modernisation of society would lead to a decline in religiosity, if not the disappearance of religion altogether (Ganiel & Dixon, 2008, p. 422). More specifically it is understood as organising “(..) the spaces for religion and non-religion according to concepts of inner and outer, private and public, such that religion is something private and interior, whereas the public space and public discourse should be religion-free. This reduction of religion to subjective experience has been intensely critiqued in religious studies (...)” (Scheer, Fadil, & Birgitte, 2019, p. 10). Secularisation theory dates back to the European enlightenment movement, which was characterised by rationalism and a disregard for religion. After the world witnessed a rise in religious fundamentalism² during the Iranian Revolution in the 1970s, followed by the rise of the Moral Majority in the US, the resurgence of religion in post-soviet countries and a spike in terrorism since 9/11., scholars have been pushed to rethinking and refute the theory, as it has become clear that modernisation did not necessarily entail the ‘privatization’ of religion (Casanova, 1994, p. 19). Researchers of the likes of Roland Robertson or Peter Berger proclaimed a resurgence of religion in the social and political sphere (see Sahliyah, 1990) instead.

² “Fundamentalism” can be roughly defined as the believe in the superiority of one’s religious teachings, strictly dividing between righteous, true believer and nonbelievers.

This “comeback” of religion is argued to be a corollary of the Globalization processes. The challenge of replacing the concept of secularisation, with more viable alternatives, as pointed out by Shupe remains relevant (see Shupe, 1990, p. 20-22), with the added question of how to best acknowledge and approach the current pressing issue of religious instrumentalization, wherein political discourses use religion for political gain. Marshall Sahlins’ outline of the interdependence of “culture-as-constituted (as an abstract system) and “culture-as-lived” (as a practice) (Sahlins, 1982, p. 286), if applied to religion, presents a helpful way to detangle and identify religiously attributed issues, as it demonstrates the power that culture has to shape people’s perceptions and actions. It does so by dismantling a too simplistic conception of religion, stemming from a secular perspective. But what is so problematic with secularisation theory one might ask at this point? While created in an attempt to manage the relationship between competing worldviews (Ager & Ager, 2011, p. 485), secularism’s ‘modern/primitive’, ‘Western/non-Western’ distinctions continue to [negatively] affect power relations in global politics” (Wilson, 2017, p. 1079) in the way that it hierarchises its “liberal, modern” and Christian based values above other religions. In the context of this thesis, secularism is “(...) developed to serve the needs of a specific cultural, political, and historical context that does not necessarily translate into other contexts. It may even undermine the global justice project, when used as the dominant framework through which to pursue justice across geo-political, economic, cultural, temporal, and ecological boundaries” (Wilson, 2017, p. 1082). Summed up, although scholars no longer accept secularisation theory due to its tendency to create power structures based on religious exclusion, it continues to be assumed by public and political discourses, impacting foreign and immigration policies as will be discussed further on in this thesis.

Additionally, when contemplating about secularism in our modern time, one cannot dismiss its relevance in the processes of globalisation. Hence, Shupe quite concisely summarizes the connection of globalisation, secularism, and religion as it is understood in this thesis:

“(...)globalisation theory has ignored religion, which has proven to be its detriment as a macro theory of internationalisation since spiritual matters are continuously integrated into evolving questions of global order. Globalisation trends, including secularisation, create structures and context that eventually confront larger questions of meaning, national identity, and the purpose of human existence. In such a confrontation, religion serves as a powerful tool for legitimacy, definition, and counterdefinition” (Shupe, 1990, p. 24).

2.2. The Category of Religion - Secular perspective

On Religion as a Category

When we think of the term “religion”, all of us seem to be able to define it or at least have a notion of what it is. Yet, the definition of religion has been a case of ongoing debate and problematization throughout academic research, with many concluding that, in fact, it is impossible to come to a clear, universal definition of “religion” (Wilson, 2019a). Academic studies therefore suggest that there is no way of defining religion in a neutral, non-ideological way. As a result, the terms ‘religious’ and ‘secular’ are applied differently depending on ideological considerations. Scholars critique “religion” to be no more than an intellectual construct which brings along the issue, that while being generally understood as a concept, it often neglects people’s reality of religion which is infinitely varied and subject to change. Critical approaches of international relations to the study of religion for example, explore what religion IS, rather than what it does (Wilson, 2019b, p. 143). This approach again, is influenced by a secular notion, which sees religion as self-evident while that is clearly not the case, affecting migration policies.

The reason for religion to be understood as a category lies in its ability to, provide orientation and identity, like culture would. On the one hand, religion functions as a category or symbol that offers behavioural guidelines and practical plans of action, “key symbols” as Ortner calls them, who pursue a motivational intent (Ortner, 1972, p. 1338). On the other hand, religion provides identity and a sense of belonging to a like-minded community. The difficulty, however, lies in the ambiguity of symbols: they mean different things to different individuals. Such duality of taking on the role of practical guide and set of meaning also applies to Sahlin’s distinction between “culture as lived” (the intention) and “culture as constituted” (the convention) (Sahlins, 1982, p. 286). His perspective helps to understand how religion not only offers a roadmap (Geertz, 1973) for the interpretation of the world, but how its symbols are also instrumentalized by fundamentalists to justify and impose their specific world view, which mostly consists of black and white thinking (Hartman & Emerson, 2006) (us against them). Religion can thus function as a cultural marker for identification by providing structures for orientation and classification on what we perceive.

Appleby (2000) emphasises the “ambivalent” character of religions, incorporating ethical principles, norms and narratives that have the potential for freedom while also being concurrent with meanings and traditions that can be warranted with violence and war. In this context, Elizabeth Shakman Hurd writes about the “two faces of faith” approach – or “good” and “bad” religion. It follows the idea of one religion that is deemed dangerous and violent versus one that is peaceful and helpful (Hurd, 2015). This categorisation makes religion vulnerable to being instrumentalised for political gain, depending on which narrative is employed, be it for positive

(equality, justice) or negative (oppression, discrimination) reasons (see Wilson, 2017, p. 1080). At the same time the category of secularism faces similar vulnerability to instrumentalization as it can be defined according to particular perspectives and agendas. It is therefore important for the categories of “religion” and the “secular” to undergo continuous critical examination by academic research, looking at how they are defined and utilised as well as how such categories contribute to the construction of negative stereotypes while supporting unequal power relations (Asad, 2003; Hurd, 2015; Mahmood, 2016; Wilson, 2017). Hurd urges to question a singular understanding of religion, because it is no such thing. She suggests instead, to distinguish what is understood under religion into what she calls “expert religion”, “lived” and “official religion”. This provides a more nuanced understanding of the term, preventing religion to be interpreted merely one-sidedly (see Hurd, pp. 8-9).

So, while categorisation can be used as an analytical tool to help make sense of religion and secularism, they are actually to be met critically, as their unreflected use can be harmful to the issue of migration for example.

2.3. Narratives on Migration

The topic of migration itself is not new. Much literature about it can be found from the late 1980s on, especially for Germany, which is a prominent example when it comes to immigration and migration structures and dynamics. The third case study on German immigration tests in chapter four, will elaborate on this in more detail.

A policy review on the matter of migration by the European commission concludes as follows: “New and more diverse types of migration have emerged in recent years, with greater suddenness and unpredictability, and following new as well as well-trodden migration pathways. Taken together, the research projects reviewed confirm that the EU is facing the reality of ‘mixed migration’ (Van Hear, 2010, p. 1535) and that this reality requires a new kind of theoretical thinking and new empirical research strategies. It also requires new policy responses ranging from global negotiations and armed-conflict mitigation to measures which support specific localities, regions and countries facing new migration flows, both arriving and passing through” (King & Lulle, 2016, p. 123).

Although the relationship between religion and migration has a long history, the role of religion during migration processes has been overlooked by scholars in the past (see Akcapar, 2006, p. 818, Hagan & Ebaugh, 2003). While broadly faceted and looking at the issue of migration from several different angles, the role of religion is not to be found anywhere throughout this 128 page document, except for a mention on “The politicisation of the discourse about Muslim migrants in Europe” (King & Lulle, p. 85). But, once ignored and relegated to the private sphere (Ganiel & Dixon, 2008, p. 422), religion has recently become the ubiquitous topic in political discourses and

public opinion regarding refugees due to the influx of Muslim migrants to Europe. This migration has not been welcomed, in part because of anti-Islam narratives and the rise of the right. The peril here, lies in the way “Islam” is considered as a threat due to its association with terrorism. In our polarised political climate, migration to Europe is seen to threaten western identities and values. In consequence, there is a renewed orientation towards nation-state, in search of socio-economic security that couples with suspicion and fear of religious minorities (Islam) (Triandafyllidou, 2017, p. 28). This perception of threat is being fed through political parties gradually “mainstreaming” ideas and discourses propagated by the far-right that were originally considered taboo, and now have become more legitimized and accepted by a wider audience (Kallis, 2013, pp. 57, 59). Not only does this align with the narrative of “other” - it keeps state policy focusing on jihadist terrorism rather than domestic. The consequences are marginalisation, discrimination, and mistrust against Muslim religious groups. In this framework, Islam and Immigration are problematically considered linked in public discourse and policy-making and are constructed in opposition to western values (Us vs. Them) (Triandafyllidou, 2017). Religion plays a big factor in that context, being elected as the main cause of unease in these Globalised times. Religion’s naturalisation has left Muslims feeling unheard in their claims and restricted in the practice of their religion (Koenig, 2009) and left “seculars” in a heightened state fear of threat against their (liberal) values and freedom. The “othering” of Muslims has been a direct cause for facilitating radicalisation by jihadist terror groups, while at the same time igniting and validating right-wing discourses against diversity to the point of violence. Media discourse presents most refugees as Muslim. Given the anti-Muslim climate in Europe, they are therefore seen to threaten western Christian liberal values. This has devastating effects on migrants, as their human rights are categorically dismissed and their sheer existence vilified (Saunders, Fiddian-Qasmiyeh, & Snyder, 2016, p. 2), while being sorted into what academia has come to define as ‘good’ and ‘bad’ refugee narrative. (Wilson & Mavelli, 2016, p. 2). The religious identity of migrants and refugees is the main factor for differentiation. People’s religious identity is overemphasized and misinterpreted by those in power, creating all kinds of issues, peaking in the denial of basic human rights. This problem also relates to the aforementioned idea of a “good” versus “bad” narrative. “According to the “Two Faces of Faith Approach”, the task for academics, policy-makers, and practitioners is to figure out how to promote the positive aspects of ‘religion’, while limiting the influence of its negative dimensions” (Wilson, 2017, p. 1081).

Xenophobia/ Islamophobia

Some of the biggest negative consequences recent debates on Migration and asylum seeking have brought forth, are an increase in a phenomena called Xenophobia (the dislike of and/or prejudice against people from other countries) and Islamophobia (the dislike of and/or prejudice against

Islam or Muslims). Tightly connected to them are securitisation strategies by nation state powers to keep migrants out.

Historically rooted in imperialism and colonialism with pro-Christian and anti-Muslim features, "(...) the current fear of Muslims has its own idiosyncratic features that connect it with more recent experiences of neo-colonialism, decolonization, immigration, and post-war racism" (Abbas, 2011, p. 65). "Islamophobia has gained greater discursive pervasiveness to the extent that Western European society has become uncritically receptive to an array of negative images and perceptions of Islam and Muslims, such is the power and force of the dominant hegemony, particularly when a host of Western nations are at "war" against terrorism." (Abbas, p. 66) Because Islam is unfortunately tainted with the idea of terrorism, any kind of manifestations in relation to this religion are often perceived as threatening - enough legitimization for suspicion and discrimination. It means that many people see Islam as incompatible with European values, making things difficult for migrants.

There is a need to recognise the entanglement of categories such as religion, culture and even race (McNevin, 2012, p. 15). These categories are extremely fluid and consequently vulnerable to be deployed and instrumentalized to suit political gain. An aspect important to consider in relation to the thesis topic is the difficulty of distinguishing between if something is a religious or rather a cultural issue. There has been research done as to whether Islamophobia is a form of (cultural) Racism (Frost, 2008; Abbas, 2011; Grosfoguel, Oso, & Christou, 2015): "While racism on the basis of "race" is still present, the anti-Muslim shift suggests markers of difference of a social and religio-cultural nature" (Abbas, p.66). However, what about the idea of religious discrimination being used as a mantle to hide actual ethnic racism? While religious identity is generally understood as a personal and moral issue, arguing on nationality thus ethnicity, implores racism. It could be said that religious discourse is therefore utilised to downwash discriminating intentions, by using Religion as a mantle, to mask political and economic issues. When it comes to the topic of religious conversion, as it will be treated in this thesis, islamophobia could play a big factor in recent tendencies of courts to question the authenticity of faith amongst Muslims who have converted to Christianity and are seeking asylum. And also because of marriages with migrants to be met with suspicion.

2.4. Forced migration and religious conversion

Religious Conversion

When looking for answers to questions around phenomena such as conversion, it must be understood in relation of its historical/sociological context and not only from a psychological perspective conversion, as it is not just about personal beliefs. Academic studies have discussed

religion in the context of migration by addressing its ability to maintain communities abroad and create a sense of belonging, (see Lamb & Bryant, 1999). The reasons for conversion in context of forced migration have been picked up by academia as well (see Asad, Comments on conversion, 1996; Akcapar, 2006, 2019; Hefner, 1993; Rambo, 1993; Rambo & Farhadian, 1999; Lamb and Bryant, 1999) yet it has not focused on the aspect that I am going to focus on. In this thesis, one of the major questions is when and how it has become 'common sense' for immigration officials to question people's conversion stories or actions within a religious context. Some examples of causes are (as mentioned above) xenophobia among the public, and coincidingly, a rising nationalism. More generally speaking Van derVeer summarises that: "The modern understanding of religion and conversion is not only developed as an answer to political problems in Europe, it is the result of the expansion of the European world system and the encounter with different religions and cultures that were gradually subjected to colonisation" (van derVeer, 1996, p. 5). Nevertheless, the research lacks coverage on the dynamics around conversion in connection to negative stereotypes on migration, which manifest in the questioning of migrant' motives by nation-state institutions. This issue will be clearly elaborated in chapter three.

What is Religious conversion and why does it happen?

Simply speaking "(...) conversion involves not only an inner event, but it often involves a move from one religious community to another" (Bryant and Lamb, 1999, p. 2). The reasons for which people convert are varied and personal and are rooted in different social conditions (see Asad, 1996, p.262). From previous research on religious conversion in the context of migration, one can deduce that the act of it is tied to ideas on identity (see Bryant and Lamb, 1999, p. 15 and Akapar, 2006, p. 818) and self-identification, community participation and belonging - all of which are provided by and found in the new religion one has converted to. Hence, religion becomes a new aspect of a migrant's culture as well as a valuable support system. Contrary to the general understanding of religious conversion to provide continuity in identity, in this thesis, the act of converting is considered as a conscious decision to break with the home country where religious affiliation meant endangerment of persecution. Rambo thus explains, that "Changing one's religion is all the more perplexing because religion is believed to be deeply rooted in family connections, cultural traditions, ingrained customs, and ideologies. (...) By abandoning the religion of ancestors, migrants make a total break with the past, as if reborn and opening a new page in their lives" (Rambo, 2003, p. 212) In the Iranian case, the act of conversion rather follows the prospect of constructing a new identity, in hopes of better belonging to what is perceived as the values of the "(Christian) modern west": "Religion plays a sociocultural adaptation role as well. (...) Christianity is associated with modernity" (Akapar, 2006, p. 846). The fact that this kind of thinking amongst migrants exists showcases how deeply and far-reaching the 'good' (in this

case Christianity or perhaps the 'secular' west?) and 'bad' (Islam) religion stereotypes actually are. Is it out of this context that the assumption of conversion as a strategy for asylum amongst refugees is born?

The problem of the authenticity of conversion is not a problem of modernity or of today's globalised times. In fact, it finds its roots in seventeenth century enlightenment theory where the location of religion within society was debated (van derVeer, 1996, p. 4) and had to make way for rational secularism (the separation of church and state). However, the issue, which has gained attention in recent years with the increase of global migration, brings along new characteristics. The root of questioned authenticity in regard to migrant faith is rather a questioning of their motives, based on nation state assumptions that Islam cannot coexist with the liberal west. Akapar for example argues that "conversion from Islam to Christianity (...) is used both as migration strategy and as a social cultural adaptation tool." (Akapar, 2006, p. 819). Conversion from Islam to Christianity thereby raises attention. He also stresses the importance of understanding the link between forced migration and religious identity issues in regard to religious conversion and its sociocultural and political impact. The notion of religion being instrumentalized for political, personal, ideological gain is worrisome and has contributed to conversion being regarded with suspicion.

2.5. Religion and Law

As noted above, many scholars have argued that there is no neutral way to define 'religion'. This has led to criticism of laws guaranteeing the right to freedom of religion or belief. Many scholars have tried to offer approaches or constructive critique on the issues that religious freedom faces (An-Na'IM, 2008; Freeman, 2004, Sullivan, 2005; Hurd, 2015). Yet while these critical works help to gain awareness around issues and problems concerning human rights and their guarantee for religious freedom, such approaches often seem to exclude or neglect the discrepancy between academia and reality. It implies that while the theory makes sense, its application to real-life fails or even seems counterproductive at times, discrediting human rights validity on the ground. This is important to keep in mind as we try to understand the tensions between religion and human rights law.

Historically "[t]he concept of human rights is a moral, political, and legal idea that originated in Christian, natural-law philosophy, became secularised and was revived by the United Nations to articulate opposition to Fascism, and to unite the world on a set of standards according to which governments are required to treat all human beings decently" (Freeman, 2004, p. 399). The problem is that in order for human rights to work, they need to engage with the burden of politics (Moyn, 2010) which manifests itself most pressingly in the language of human rights. It is perhaps here that lies the Right's biggest weakness: in their vulnerability of being reformulated to fit with

intentions of those who use them, not with the humanitarian intentions they stem from - made possible by their lack of universality. As Asad notes, “[d]ifferent legal political traditions spell different ideas of guarantee and threat in relation to what is “human”, and these are expressed in different languages that engage with the established power of the nation-state. The discourse is only one such language” (Asad, 2003, p. 140). To summarize, human rights (languages) provide a nice and somewhat useful moral outline which diminishes/ restricts itself, through its weak steadfastness when it comes to its applicability in practice.

In the context of religion and law, this thesis connects to both the question on the right’s universality and its language. It shows that religious freedom’ specifically, is variable and dependant on the individual court’s comprehension and grasp of ‘religion’ affecting religious freedom. This has to do with the influence of prevailing cultural and sociological structure’s understanding and interpretations, as well as deep rooted imperialistic structures ankerd in colonisation and secularism. Some scholars have concluded that religious freedom is in fact impossible (see Sullivan, 2005; Dahre, 2010). This notion of the impossibility of religious freedom is further justified on chapter three, adding nation state surveillance measures on religion to the causes. The case studies in this thesis also raise questions of human and religious rights violations. Specifically, when it comes to the right to practicing one’s religion and the lack in understanding the realities of lived religion on the ground, beyond philosophical and academic constructs.

To summarize, we have recognised that secularisation theory, which assumed that religion would eventually disappear in times of progressing modernity, has been refuted as religion is resurging in the public sphere. Still, religious relevance is undermined in some areas, impacting policy making and public narratives on issues such as migration. We have also considered the difficulty of defining “religion” in a neutral way, affecting religious freedom. Additionally, we have explored the consequences of the term being applied in different ways, often to suit political gains, by taking into consideration how religion and secularism are categorized. Finally, we have discussed how the role of religion has once been overlooked in migration processes but has now become the focal point in political narratives that are oftentimes discriminating against migrants and asylum seekers and their religious identity. In the next chapter, I build on this literature review to further elaborate on why migrant’s and refugee’s motives are questioned in matters of religion in the context of law. This will be exemplified along the cases of Iranian converts and migrant marriages in France, who are faced with limitations to their religious freedom. Chapter four will look more into the political side of religious issues by considering the role of the nation state, as well as the consequences of religious categorisation.

3. Religion and Law: Questioning the Legitimacy of migrant's and refugee's motives in matters of religion

In this chapter we are going to look at the intricacies of upholding religious freedom in the context of (forced) migration issues. More specifically, I have chosen two case studies along which the constellations of religion, identity and human rights law (religious freedom) are elaborated.

The first case study takes a look at a phenomenon that has received increased attention recently: Iranian Muslims who have converted to Christianity and whose asylum request has been denied, as the legitimacy of their conversion was mistrusted (UK Government Home Office, 2020, Akcapar, 2006). The second case study (Selby, 2019) puts the spotlight on France, where marriages between migrants are put under scrutiny out of the assumption that their marriage could be a strategic act to obtain French citizenship rather than being a 'love match'. These two cases exemplify well, that religion and law share a complicated relationship where the reasoning for or against acknowledging one's religious freedom, is based on mostly secular interpretations. Concomitantly, the issues of islamophobia and xenophobia take centre-stage. They manifest themselves in the way religion is categorised into 'good' and 'bad' one, as was discussed earlier when talking about the 'two faces of faith' (Hurd, 2015). Perhaps for the sake of accuracy, it is preferable to reframe the definition of the categories to what is understood as 'modern and liberal western values' versus 'backwards antiquated and oppressive Islam' instead.

3.1. The religious other

The 'religious other' in the context of this thesis is, simply speaking, everything that is not part of the Judaeo-Christian western understanding of religion. Today's most prominent "other" is Islam and any person associated to that religion. Since 9/11 Islam has been perpetually getting a bad reputation (even more so with more recent attacks in Paris in 2015 committed by the IS) as the religion is made synonymous with terrorism, religious warfare and the oppression of women in a patriarchal system. This stigmatization lies at the root of the problematic depiction of Muslims in media- and political discourses and in the mostly negative way that Muslim migrants are received in host countries. Hurd rightly criticizes, that the 'two faces of faith' framework, based on distinguishing between "good" and "bad" religion, oversimplifies the complicated dynamics that religion must tackle in the public sphere today. It reduces the discussion into a matter of black and white thinking, one aimed to "identify and empower peaceful moderates [the Christian west], and marginalize or reform intolerant fundamentalists [the Islamic world] (...)" (Hurd, 2015, p. 35). Most importantly however, it neglects the everyday reality of people facing discrimination because of their religious affiliation, which is ultimately based on the assumption that all Muslims are dangerous and are thus to be regarded with suspicion. The latter is enforced

if not triggered by the religion's visibility, principally in the veiled woman. Fernando writes that "[p]ublic expressions or practices of Islam outside (...) private spaces are, as a consequence, turned into forms of religious fundamentalism, an excess of religion that in fact is not religious but rather political (Fernando, 2014, p. 690). This process of "othering" is important to keep in mind when trying to understand processes and causes for discrimination in form of suspicion and curbs on religious freedom. The people of both case studies face a suspicious nation state that questions their motives for either converting and seeking asylum, or for their marriage vows to be recognized by the state. This "otherness" provides enough cause in the eyes of the state, to assume that integration is improbable and therefore sees it fit to investigate their legitimacy. This ensures the negative stereotypes that these people procure. At the same time, when those looking to settle in the new host country are met with such disdain and alienation, it is a natural consequence that they turn to their religion to find belonging and identity. The following explains why:

3.1.1. Identity through Religion

Religion plays an important role in the construction and the maintenance of identity, creation of meaning, and value formation (Akcapar, 2006, p. 844) of individuals and groups. It holds a stabilizing function for identity which helps to "provide the predictability and continuity that the individual needs to maintain a sense of psychological stability" (Seul, 1999, S. 558) marked by its seemingly unchanging, consistent existence. It gains appeal through its ability to address the full range of human needs, fears and concerns comprehensively and powerfully (see Seul, p. 562) - a characteristic successfully abused by populist and fundamentalist leaders today. Evidently, religious affiliation is one of the most important distinguishing features in the construction of collective identities. Based on their religion, groups carry out their self-description as well as their demarcation to other groups (see Baumgart-Ochse, 2016).

France is well known for its secular outlay of "laïcité", or secularism that coincides with citizenship, where state and religion are not to interfere into each other's affairs. Hence since 2004, visible signs of religion have been banned from offices and schools (not without controversy), in an attempt to keep issues that arise with religious practices out of the public sphere. Yet the concept of such strict separation has failed due to its oversimplification and erroneous interpretation of what religion is. This procures especially in today's globalised times, which are marked by the resurgence of religion in the public. However, that does not mean that the French state deferred from its secular perspective. Quite the opposite. The following case illuminates how the persistence of keeping religion out of the public and governmental sphere, is not only impossible but is also a big (if not *the* main) factor that incites an atmosphere that is critical of migration, and refugees specifically of Islamic traditions and customs. Jennifer Selby

examines what happens when the French state seeks to discern if marriages between migrants are genuine. It confronts prospective partners with challenging questions aimed at testing their feelings and attitude/position towards secularity.

The subjects in this case are seemingly faced with the mandate by the French state to undermine their Muslim practices, in order to be (continuously) granted French citizenship. This specifically puts practices that are visible under the loop of the law. Interestingly, the religious interpretations and practices of the migrants that are referred to by the state (veiling and 'rational marriage'), can be marked as cultural, as they seem to be maintained as a way to uphold identification with their country of origin. This shows the complicated mesh of what are considered as religious practices or cultural customs or even both. Religion cannot be separated from culture, yet by categorising it against secularity, religion becomes a distinct feature easier to control and instrumentalise. The French nationality with its social values, in this instance becomes something that needs to be adapted towards, rather than integrated into as part of the subjects (new) identity or culture. There is a sense of expectancy to having to choose between 'either/ or' identity, where one ("frenchness") excludes the other rather than creating an opportunity for merging. Therefore, while state measures proclaimed to assist in the process of migrant integration, they imply assimilation instead, with the intent to maintain the purity and integrity of French citizenship. Here lies the problem from which spring issues such as discrimination and marginalisation. Those not willing to let go of their cultural and religious heritage/identity and comply with that of the nation state's instead, are considered untrustworthy and not fit for integration. Ultimately, it is a matter of participation in the national body (Selby, p. 169). The state rules over who is allowed and under what conditions? And who is not allowed and why? It is no surprise then, that in order to maintain some sort of belonging when rejected from the host country, migrants refer back to their religious roots, seeking to find and experience a sense of identity. The ultimate goal, which is to push for integration, backfires through the strategies and methods applied by the state, in creating alienation rather than acceptance and accommodation. Instead of accompanying its migrants and easing them into the integration process, the subjects are treated with distrust and put in a position where they must choose between their heritage and that of their host country, with no room for hybridity. The expectation of leaving behind the "old culture" in favour of adapting to "western progress" is wrong (Sahlins, 1999, p. vii). It dictates assimilation over integration and calls for "culturalism", which means that the host country is self-conscious of its "culture" as being a value that is to be lived and defended. Sahlins warns about the consequences of projecting individual, internalised (western) perceptions onto non-western ideologies/ cultures. The effects of doing so can be observed in today's rise on nationalism and alt-right populist political narratives, their arguments

being based on the notion that their national identity and values are under threat by the “other” or “outsiders” (see Betz, 2013).³

When looking to understand conversion, this chapter aims to closely consider the crucial links between religious conversions, forced migration and religious identity issues. Generally speaking, the act of conversion amongst people has been described by scholars as a way of creating meaning and a sense of belonging by becoming part of a (new) community, when all of the latter are lacking in the community or the country they emigrated from. Amongst Migrants, refugees and asylum seekers alike, religion can take on an invaluable function during periods of transit and resettlement by helping with the formation of personal and social identity (Akcapar, 2006, p. 818). Their new religion provides them with a new self-identification, when their old religion tends to be associated with the oppression they hope to escape from (Akcapar, 2006, p. 842-43). The institutions of the new religion provide community and additionally become a source of valuable information, resources, and help with applications to the UNHCR for example. They transcend boundaries otherwise upheld by the nation-state (Akcapar 2006, p.846). Iran has been experiencing religious and social unrest ever since the Islamic Revolution in 1979. This date has been elected as one of the key moments in time, to have triggered the religious resurgence that has snowballed into where we are today. The dominantly Muslim country has been plagued by the abuse of human rights, especially with regards to religious freedom. Iranian converts are neither tolerated nor given religious rights (see Sanasarian, 2000). Converts from Islam to Christianity are considered “apostates” and must fear persecution, harassment, surveillance and at times, a death penalty. Conversion to another religion is criminalised and not permitted by sharia law (UK Government Home Office, 2.4.6). Yet a number of cases have risen in Europe, where Iranian requests for asylum have been rejected.⁴ In some cases, their endangerment from religious persecution was met with ignorance. In others the authenticity of their desire to convert, the sincerity of their belief in christianity was deemed unauthentic (Casciani, 2016), a ploy, or suspicious at the least. Peter van der Veer establishes that the authenticity and sincerity of conversion become central problems in modernity, enhanced by globalisation, but finds its roots in “seventeen-century debates about the location of “religion” in

³ See see Gabriel Goodliffe, ‘From political fringe to political mainstream: the Front National and the 2014 municipal elections in France’, *French Politics, Culture & Society*, vol. 34, no. 3, 2016, 126–47; Aurelien Mondon, ‘The Front National in the twenty-first century: from pariah to republican democratic contender?’, *Modern and Contemporary France*, vol. 22, no. 3, 2014, 301–20; Jens Rydgren, ‘France: the *Front National*, ethnonationalism and populism’, in Daniele Albertazzi and Duncan McDonnell (eds), *Twenty-First Century Populism: The Spectre of Western European Democracy* (Basingstoke and New York: Palgrave MacMillan 2008), 166–80.

⁴ This phenomenon is not only limited to Iranians. Afghans are affected by similar cases (see Becker, 2018; SRF, 2019). However for the sake of length of this thesis, I focus on the example of Iranian converts.

society” (van derVeer, 1996, S. 4) – also known as the concept of Secularism. What van der Veer described then, still stands for today.

3.1.2. How is Islam/ Christianity constructed?

“Religious migrants and refugees are a threat to western “liberal values and achievements” if they do not integrate” is one of the more polarised assumptions that have been lingering in public and political discourses to date. The most prominent example is that of the veiled, Islamic woman upon whom is projected everything that is “wrong” with religious conservatism to which Islam is systematically categorised. Amiraux explains that “the secular narrative of Muslim veils in France allows the state to ideologically reconstitute the nation as a society that is secular and united” (Amiraux, 2016, p. 44). Academia also writes about a so-called “saving women” narrative (see (Abu-Lughold, 2002 and Bracke, 2012) rooted in a colonial and missionary rhetoric of the West. It entails that especially Muslim women need saving from the supposedly oppressive and violent religious outlay of Islam, that peaked during the US invasion of Afghanistan. The Country justified its invasion as a way to uproot Al Qaeda, which was responsible for the 9/11 attacks, to also be a fight for the rights and dignity of women (U.S. Government 2002, Abu-Lughold, p. 784) amongst other reasons.

Islam is regarded as dangerous and hyper visible, unlike Christianity which is not considered dangerous but outdated and “invisible”. At this point one could define what is understood as “good” and “bad” religions to ‘modern and liberal western values’ versus ‘archaic and oppressive Islam’ instead. Still, “(...) in liberal democracies visibility is directly related to the question of citizen participation and recognition” (Amiraux, p. 44).

In the French case, government jurisdiction on the couple’s sexuality is part of the surveillance wherein a lack of secular defined “romance” (intimacy) is seen as absence from female choice (Selby, 2019, p. 166). This exemplifies the impossibility of separating the religious from the public sphere. The French ideology of a sexually liberated women, through which the secular defines itself, not only becomes a tactic of discrimination against a woman who identifies herself through her religious practices of Islam. It stands for the dissolvment of those exact lines between public and private sphere, that secularism initially aimed to keep separate. The woman and her rights play a central role in the debate of discrepancy between religion and conforming to western “modern” standards. The body becomes a platform on which dynamic power tensions between the secular “modernity” and religious “conservatism” manifest, both, at this point, becoming oppressors of personal (religious) freedom. The state does so by demanding a “secular legibility” (Shelby, p. 160), or by evaluating and trespassing into the personal and intimate sphere. As for religion, when it diminishes (and demonises) womanhood. The same dynamic reveals how the secular constitutes religion as an object rather than a multifaceted, interwoven, identity providing

way of life: “Judging which acts are forbidden [or in this case expected] through the hierarchical positioning of secular versus religion explains the normalisation of the opposition between wearing of the veil (full or not) and gender equality in the French context” (Amiriaux, p. 41).

Such gendered divides between public and private lead to politicization. Religious women in minority groups get stuck between having to justify themselves and the accusation of betrayal of state values. The body becomes an object of discussion and the subject of whether one is integrated or not. A discourse gladly picked up by populist parties in order to solidify the line between “us” against “them”. Simultaneously, the body becomes an object of secular performance, where the woman dresses in a way she perceives is expected of a “French” woman“, fearing to fail the interview aimed to discern if her marriage is a legitimate union or one aimed just to acquire French citizenship. She understands that “veiling would have surely negatively impacted her chances with the consulate visit” (Selby, 2019, p. 164). Selby recognises the surveillance of transnational marriage as a form of “border control” (p. 158). It is a manifestation of the increased securitisation measures nation-states are adopting, in order to prevent people from crossing their borders (more on this in chapter four).

That same securitisation aspect is what causes the suspicion Iranian asylum seekers face with regards to their conversion. The suspicion that religious conversion is used as a tool for migration is not necessarily incorrect. There are cases in which conversion was a strategy to get asylum more easily (Akapar, 2006, p. 834). As a result, it is not hidden knowledge, that Christian migrants and asylum seekers have a higher acceptance chance than Muslim (Katholisch.de, 2019). Interestingly, fieldwork suggests that in some cases, conversion is not the original intent. Rather it appears to be a strategy of last resort when facing deportation after being denied asylum. When a rejected asylum seeker then converts to Christianity mid journey, doubts about the converts authenticity or sincerity in his/her belief in the new religion can arise (Akapar, 2006, p. 834). However, generalising the pretext that conversion is used by Muslims to avoid deportation is extremely harmful. Not only does it negate the fact that we should rather question the migration policies of the nation state, that seemingly push people to give up their religious identities out of desperation in order to get a chance at asylum in the first place. It also dismisses genuine motivations to convert. Concomitantly, it feeds into the negative stereotypes already persisting about Muslims, in this case setting them up as untruthful and manipulative people, who take advantage of the western Christian outlay. This claim is emphasised on a misreading of the Muslim concept of *taqiyya*, by which believers may conceal their faith if under threat of violence. This misinterpretation is popular in Islamophobic writings⁵, implying the wilful deception of host

⁵ For example in Joel Richardson’s *The Islamic Antichrist: The Shocking Truth about the Real Nature of the Beast* (Los Angeles: WorldNetDaily 2009); Robert Spencer’s *The Complete Infidel’s Guide to the*

countries by Muslims, further encourages suspicion against people of the religion or, in this case, people who converted from it.

Many Iranians seek asylum from religious persecution. It is not farfetched to then suggest that the appeal of a “liberal and secular” west thus becomes the destination of choice. Interestingly, the Christian origin of western values, and not exclusively its secularity, are what seem to attract the Iranian converts: “prosperity can be understood to mean that those who are true believers can become “successful migrants” one day and earn the citizenship of one the western countries. Christianity thus becomes synonymous with the West and modernity.” (Akpar, 2006, p. 840).

Christianity holds a positive position, one which is desirable, while Islam is something from which one must get away from. The “good versus bad religion” categorisation is painfully disclosed in this context and it becomes obvious that solutions to dissolve it are of urgent matter.

Interfaith education is a valuable first step, acknowledging the need to rethink and overhaul narratives about another religion.

3.2. Religious Freedom?

With the resurgence of religion comes along the crumbling of the public/ private boundary by which secularism is defined. The state has been facing many issues involving religion and has been struggling to find adequate solutions, especially when tackling religious freedom. This next part of the chapter aims to discuss the construction and trespassing of the public/private boundary by the state/ law and what implications that has on the human right to religious freedom. It will bring clarity to what scholars mean when they argue “that secularism demands administrative and legal intervention into and regulation of religious life” (Fernando, p. 690).

The bad reputation of religion has consequences vis a vis human rights, specifically that of religious freedom (Article 18). The current migration and refugee issues that the world is facing, has brought up questions about the effectiveness of issues of human rights and their preservation. Established post WWII in 1948, the human rights declaration proclaims itself as a “common standard” for all (Universal Declaration of Human Rights, 1948), implying the concept of universality. While this is a commendable ideological goal from a humanitarian perspective, it, unfortunately, lacks translatability to reality, especially from an academic point of view (see Asad, 2003, Sullivan 2005). It has led scholars to conclude that there is no such thing as a universal, unanimously accepted and executed human rights (Sullivan, Little) impacting the steadfastness of religious freedom – here is why:

Koran (Washington, D.C.: Regnery 2009); and Glenn Beck’s *It IS about Islam: Exposing the Truth about ISIS, Al Qaeda, Iran, and the Caliphate* (New York: Mercury Radio Arts 2015).

3.2.1. Lack of universality

Regarding the claimed universality of human rights, Dahre argues that "(...) those rights are supposed to be neutral but are inflicted by the politics from which they are supposed to be immune." (Dahre, 2010, p. 643). By this, he means that human rights are vulnerable to instrumentalization by governments, politics, and other groups alike. In this context, Asad describes human rights as "(...) floating signifiers that can be attached to or detached from various subjects and classes constituted by the market principle and designated by the most powerful nation-states." (Asad, p. 158). Hence, there is a tendency for human rights to be only valid when convenient. Their weakness, when it pertains to religious freedom, lies in the two following features: the fact that they are rooted in a western Christian understanding and their language.

The subjects involved in both case studies in this chapter, are exposed to discrimination because of their religious (and cultural) background and face problems of violations against religious freedom. For example, a European court dismissing the probability of religious persecution of Iranian asylum seekers in their homeland, and then sending them back home nonetheless, is a direct violation of the human rights laws (20 Minuten Schweiz, 2019). Also, imposing secularism, and pressuring assimilation through surveillance tactics on married Muslim couples, limits their proclaimed right to religious freedom.

The Iranian example bares similarities to the account of Sullivan's court case, where she writes about the dichotomy between the lived and individual religion of the plaintive, versus the state's understanding of religion (see Sullivan 2005). It raises the question as to whether the court, as a government agency that often makes "a poor fit with religion as it is lived" (Sullivan, 2005, p. 10), has the authority/ capacity to pass a judgement over what is understood as religion, who is considered a "true" believer and what that implies. Some relevant questions regarding this issue have to be put forward: Who has the authority to decide on who is worthy of protection or not? On what grounds? "What makes someone a believer or a member of a faith community and what makes someone not so?" (Salomon & Walton, 2011, S. 406). Why are some religions seen to be allies with rights, when others are excluded from this relationship?⁶

When aiming to understand the cause for the lack of universality in human rights, one must look at their western roots. It is important to keep in mind that human rights stem from "(...) a political theology of Christian democracy in which the identity of democratic values with an imagined Christian civilizational tradition is unquestioned" (Bhuta, p. 26). In other words, the basis on which human rights are built upon, is that of Christian values that today, are made synonymous with the modern, liberal west. Sullivan concludes that religious freedom is impossible because it will always involve a court of law having to determine what is considered "real or the "right kind"

⁶ Question from course material to "Religion and the Politics of Human Rights" taught by Dr.Méadhbh McIvor

of religion". As a consequence, a certain kind of religion ("good" religion) – one that is compatible with the claims of secularism, ends up being privileged. In the case of the Iranians, this means that their Christian belief was not recognized as such (as their cultural background is still considered Muslim) and instead questioned by the court, thus leading to their expulsion. In my understanding, this tight knitted connection between religion and culture is an important contributing factor to asylum seekers and migrants being unanimously categorised in a negative manner. For example, the European court frames Islam as "threatening to "democratic values" of tolerance, equality and non-discrimination" (Butha, 2014, p. 25). Someone who then originates from a country that is seen as culturally defined by Islam, is therefore greeted with suspicion with regards to their ability to assume and incorporate "modern, Christian" values. If not at all then at least to the level deemed necessary for successful integration. In the French case, Muslim practices, especially those that are visible but also those that are private, are expected to adapt if not subscribe to the states secular understanding of "liberté" and conjugal life. This can also be translated to the idea, that Islamic traditions, that are considered religious AND cultural, must be shed in order to concur with the idea of Frances "liberté", which sees sexual freedom and sexual equality as the defining features of secular citizenship and secular democracy (Fernando, p. 689). Again, the concept of "Christian, liberal values" is ranked superior to (stereotypical) Islam. Hurd correctly warns that "[g]overnment promotion of religious freedom is, by its very nature, a flawed enterprise because the government inevitably becomes involved in deciding which religions, and which forms of religions, are deserving of protection. Any government's position on which religions to protect is necessarily tangled in that government's political commitments, interests and biases." (Hurd, 2013, p. 233).

Obviously, the relation between rights and religion is and remains extremely convoluted. It is where the secular discourse and the human right of religious freedom oppose each other and what Hurd describes as the paradox of Religious freedom. By "(...) singling out religion legally and politically [,] religious difference [becomes] more politically salient, thereby exacerbating rather than calming social divisions. Advocacy for religious freedom, then, may actually contribute to the violence and discrimination it purports to cure" (Hurd, 2013, p. 230). Hanna Arendt (1951), believed that the supposed universalism of human rights could only be guaranteed through citizenship. Meaning that if you make a rights-based claim, make it civil right so that states could then be held accountable. But what happens when the aspiration to obtain citizenship is seen critically by the host state? Or when religious conversion to Christianity and marriage between migrants is considered a scheme to obtain said citizenship and thus must be monitored? How to hold powerful nation states, who have subscribed to upholding human rights, accountable when

they renege on their promise?⁷ What if the aim behind failing to uphold the rights, is specifically executed to keep people out to protect the national identity? Ultimately, when the state can question your belief and has power to decide whether you are worthy of religious freedom or not, you are not an equal citizen. Does this then mean that religious and cultural minorities in Europe should be expected to assimilate to (highly contested) European values? I believe that this question lies at the core of academic debate around the topics of immigration and asylum seeking in today's globalized times, as in the end, everything comes down to the question of belonging, and Religious freedom is part of that.

3.2.2. The Problem with the language of Human Rights

Playing into the problem of the universality of Human Rights is a language issue. While Human Rights originally emerged as a moral critique, the problem with the language of human rights was not apparent in their beginnings (Kennedy, 2012, p. 21). What makes upholding the demands of human rights so difficult is that "(...) legal discourses often give way to moral sentiments 'on the ground' (...) 'human rights talk' rarely means the same thing in different places." (Engelke, 1999, p. 291). There is never one unanimous voice when it comes to the understanding of human rights but a multitude of different ones, which allows biased interpretations "of what it means to be religious", because there too, several interpretations co-exist (see Little, p.1229/30). A court decision is therefore variable, depending on the person who makes the law and their specific interpretation of "religion". Dahre's explains that "abstract concepts such as human rights [and this includes religious freedom] do not have natural content. Such concepts are filled with whatever content and direction one can put into them" (Dahre, 2010, p. 653). So, while Human Rights are set out to provide the language that humanitarians and the oppressed can use when wanting to talk about justice, I summarize that this same human rights language functions as a political tool that can be used for negative argumentation as well. The legal definition for example, of "refugee" has done much more to exclude people in grave need of protection as it has to initiate UN engagement (Kennedy p. 25). However, Engelke is of the opinion that it "(...) is not that the aims of human rights are wrong-headed; it's that the language of human rights is not the best way to deal with the very real problems of homophobia, genocide, racism and torture that are too often explained away in a language of cultural and moral differentiation" (Engelke, 1999, p. 292). His statement reveals that for the subjects of the case studies in this chapter, "(...) their religious lives could not be contained in legal language or in the legal spaces assigned to them (...)" (Sullivan, p. 45). Within the context of the French case on marriage, this manifests itself in the intervention of state laws that trespass into the private sphere which used to be assigned to

⁷ Abdullahi Ahmed An-Na'IM describes it as a paradox of self-regulation by the state and asks how "states can be expected to protect human rights from themselves?" (An-Na'IM, 2008; An-Na'IM, 2008)

religion. It was in this sphere, where religion was supposed to and could be practiced freely. Consequently, as conjugal life continues to be surveyed for Islamic practices, that space has become compromised and controlled by state law.

Indisputably, in order for human rights to work, they need to engage with the burden of politics (see Moyn, 2010)) which again, manifests itself most pressingly in the language of human rights. It is perhaps just here that lies the right's biggest weakness: their vulnerability of being reformulated to fit with the intentions and assumptions of those who utilize them and not with the original humanitarian intentions they stem from. Human rights language in general, and religious freedom language in particular, is in reality the language of political domination" (Little, p. 1215) subject to manipulation. This has been enabled by their lack of universality and unanimity. As Asad notes, "[d]ifferent legal political traditions spell different ideas of guarantee and threat in relation to what is "human", and these are expressed in different languages that engage with the established power of the nation-state. The discourse is only one such language" (Asad, p. 140).

The question that still begs to be answered is: How to bring back human rights to those that they were intended to protect? What is the most effective language to support people in their sense of agency?

3.2.3. Responsibility

The question that arises in the context of this chapter is, whether the western world would react differently if the refugee and migration waves would be defined predominantly as Christian and not as Muslim? After discussing the vulnerability to the arbitrariness that human rights can be exposed to, their applicability seems to rely, in part, on how much the rest of the world empathizes and identifies with the 'others' situation. As Thomas explains, "(...) collective action depends on how social groups perceive the world in which they live and how they view their own identities in relation to the identities of others" (Thomas, 2010, p. 101). I ask myself, if there would be less fear of the 'other' and therefore lesser acts of securitization, if we made a serious effort to relate more with their circumstances and struggles? Unfortunately, in both case studies of this chapter alike, the subject's right to religious freedom is dependent on the respective authority of state powers to uphold them- the same powers who are tasked with holding other states accountable that abuse human rights laws. The current negative depiction in the media and the political discourses around religious people coming into Europe, rather incite a lack of empathy and identification while promoting fear. Religion has become a viable tool that is used strategically by constructing an external, religious enemy, where the danger lies not in the content of the other's religion itself but is defined by cultural [and economic] aspects (see Kortmann, 2019). Is the reason for questioning the Iranians conversion to Christianity therefore based on

their cultural background that is equated with Islam? Is the authenticity of their belief in Christianity questioned because their Muslim background supposedly prevents them from becoming “liberal” in the sense of the “Modern west”? If Christian based values/teachings are the ultimate measure, wouldn't it be the duty of a “good Christians” to step in for the rights of the powerless? Would appealing to moral arguments for the sake of religious freedom be more convincing than to legal ones?

If the states are failing in their aspirations to uphold and protect the rights of displaced people, then will assume responsibility? The International community? The Civil society or NGO's? international or local corporations? Religious actors? Displaced people themselves? Private citizens/ individuals?⁸ What actions are to be undertaken, when Human Rights seem to have lost their authority/ eligibility and are instead being strategically instrumentalized, either by being neglected or only applied when it seems fit? Of what use are human rights, if the powers that swore to uphold and defend them are responsible for limiting religious freedom? Fact is, human rights (language) essential humanitarian aims are weakened when those who give them only lip service or do not support them, are still able to utilize them for political gains (Tarlo, 2010).

It seems that the validity of human rights and thus of religious freedom is a matter of balance of power structures, making them vulnerable to instrumentalization. Is it therefore not a question of their legitimacy, but rather a question of how to re-empower their originally intended humanitarian approaches, so that upholding them no longer becomes a matter of ‘when and where to apply’ but becomes a (universal) norm? The ongoing question hence remains how and in what regards must human rights language change or adapt and evolve if political will is a reflection of popular opinion?

Summed up, the idea of secularism (in France) had been established to promote and guarantee religious freedom by avoiding state interference into religious affairs and vice versa. The example on marriage however, showed clearly how impossible such separation is: “The simultaneous incitement to exhibit and to hide, and the grim consequence of exhibiting that which must be hidden [intimacy], constitute the cunning [or ambivalence] of secular power” (Fernando, p. 688). Sullivan's argumentation holds true in saying that there can never be true “religious freedom” because the upholding of religious freedom is dependent on the (political power) people who impose it, as could be seen in the case of the Iranians. Still political powers continue to establish harsh securitization measures without much regard to their responsibility of upholding human rights.

⁸ The Questions were part of the “Forced Migration” curriculum, taught by Dr. Erin Wilson

4. The role of Nation- State?

Still considered a marginal topic and disregarded in politics not so long ago, 9/ 11 put Religion back on the map - centerstage. As we have now seen, religion, in secular discourses, is still understood as backwards, dangerous, irrational, and private. Its resurgence into the public sphere has also been designated as the main culprit for the rise in terrorism. While these assumptions have been debunked, for example in “The Myth of Religious Violence” where (Cavanaugh, 2009) denounces the idea of religion as being inherently violent to be a misconception, they still prevail in state politics (and law). They manifest in the negative stereotypes about Muslim migrants and asylum seekers, as explored in the previous chapter. Consequently, along with the dramatic refugee situation and increased globalization, Nation-states have augmented their securitization policies within and beyond of their borders against this “new violent religious enemy”. This has occurred not without severe repercussions on the human beings, who are marginalized and discriminated against because of their perceived religious-cultural background. The politics of a nation state are built around what comes from a secular mindset. It follows the idea, that religion can be excluded out from the public sphere - a dangerous oversimplification of an overly complex and misunderstood topic to this date. Nevertheless, this notion is crucial in comprehending the ongoing fixation with, and emphasis on religion. In chapter four we are going to look at a third case study, which problematizes citizenship tests in Germany that seek to assess whether people ‘truly identify’ with ‘Western values’ (Amir-Mozzami, 2016). With it I hope to elaborate on the aspect of state securitization, an issue that I have mentioned previously, but have not expanded on so far. Furthermore, I want to examine how religion is being used as a strategic tool when it comes to the question of (national) identity and belonging. Also discussed is the impression, that cultural discrimination is rather based on racialization than on religion per se, implying that religion is used to cover ethnic racism. While in the previous chapter the perspective on religion was that of it providing identity, this chapter looks at how such religious identity threatens the identity of the nation state.

4.1. The Securitisation of Religion

Scholars trace back the resurgence of religion to the 1970s, but it was really after the end of the cold war, when liberal Democratic values triumphed over Communism, and subsequently when nation-state securitisation emerged and evolved to what it is today.⁹ With the greatest enemy of the post WWII west nations (the Soviet Union) vanquished, questions arose: what was the new world order going to look at next? Who or what was the new threat? One of the

⁹ See Manlio Graziano’s book „The Geopolitical Reinvention of Holy War” (Graziano, 2018) for a detailed analysis on how religion came to be where it is today.

detrimental outcomes as a result of the demise of the USSR, was the resurgence of Islamic fervor and radicalism. As the Soviet armies invaded Afghanistan, the western powers supported the anti-Soviet Afghan *Mujahideen* (which refers to spiritual Muslim warriors) who were instrumental in Russian withdrawal. That event was followed by the birth of the ultra-orthodox Taliban in Afghanistan who provided Al Qaeda a safe haven. It allowed for the terrorist group to plan the 9/11 attack in New York that resulted in the complete disruption of the new secure world order. From the prevailing instability, the aspiration to protect one's own people arose within nation states as well as the need to reassert its authority - and the rest is history. Fast forward to today, Karyotis summarizes that "[t]he field of security is largely controlled by elites who, by virtue of their authority, are able to create an image of an enemy which is largely independent of the objective significance of a threat" (Karyotis, 2012, p. 390). Thus, to legitimize securitization processes, an issue is framed as an existential "(...) political, social, security or demographic threat" (Gulmez, 2019, p. 890) to which immediate and extraordinary actions are required. The political language used by politicians is dramatized in such ways that it structures and incites fear in the target audience. This leads to the securitization measures, "(...) which break the normal rules of political deliberation and disregard any legal, economic, moral, or other considerations" (Buzan, Wæver, & Wilde, 1998, p. 24), to be accepted and implemented.

4.1.1. What happened, why do we put up borders?

To answer why we put up borders to begin with, we must first consider what a border even means. Borders are not fixed; they are socially and politically constructed and change over time. Simultaneously, borders are created through the ways in which we imagine them and talk about them, making them not just physical or territorial borders but also emotional, psychological, and political. Like religion and secularism, borders can be understood as categories that do not exist in reality but are loaded with ascribed meaning for the sake of making sense of things.¹⁰ In context of this thesis' topics, we are dealing with borders in a physical as well as psychological sense. Physical, because securitisation measures are aimed at keeping people out of national borders. Psychological, based on the manner that narratives about migration etc. are formulated, create a border that is perceived as "us" versus "them". Even emotional borders are worth mentioning as they relate to the sense of loss of identity, the distancing from migrant fate and the acceptance of discriminatory strategies. The following aims to give further insight on why a need for borders emerged or rather how its "necessity" was legitimised:

In his article "A globalized God" from 2010, Scott Thomas estimated that "globalisation's transformational effect on religion will play a key role in the spread of global terrorism and religious conflict." (Thomas, 2010, p. 94). Indeed, today's integration processes are perceived as

¹⁰ A definition of borders as discussed in the class on "Forced Migration", taught by Dr. Erin Wilson.

intensive forms of globalisation, putatively threatening western (religious) identities and values. Consequently, there is a renewed orientation *inwards*, towards security, identity and, surprisingly (?), religion – all coupled with suspicion and fear against “outside aggressors” (see Graziano, 2017). “Outsider” or “other” religious minorities are not only compared to secular narratives, as discussed in chapter three, but they also find themselves juxtaposed to the narrative of the re-emerging far-right national ideology, which designates itself as “defenders of the Christian West” (Betz, 2013). Hence, it can be argued that religion not only resurges in the public sphere because of migrants, but also resurges in the realms of its very nationals. One explanation lies in the fact, that both religion and nation portray, as Kinnvall states “ ‘identity signifiers’, conveying a picture of security, stability and simple answers”, contrasting to the destabilizing effects of globalisation, brought about by the de-territorialisation of time and space” (Kinnvall, 2004, p. 742). Yet the framing of the (Christian) religion of the host country as opposite to that of predominantly Islamic newcomers, also conveys to religion the role as the main source of unease in today’s globalised world. This paradox, of religion being chosen for providing identity while simultaneously being denounced as a global threat, has increased tensions between people and has made finding applicable solutions on matters involving religion extremely strenuous.

In the previous chapter we have ascertained that Muslim traditions are perceived as problematic from a western point of view and are placed up against a secular context, where religious identity of migrants and refugees is viewed as the main factor for differentiation. Religion is overemphasized and misinterpreted. The problematic entanglement of “refugee = Muslim = Terrorist”, as it is consistently portrayed and produced in media discourses (and other public narratives), feeds into the narrative of migrants being a threat, enforcing ideas of religious affiliation. In other words: because all refugees are assumed to be Muslim, and all Muslims are considered potential terrorists, then all refugees (and migrants alike) are therefore deemed a security threat. As a result, rather than problematic ideas about migration being contested, they become mainstreamed (Wodak, 2013).

It is this process naturalising religion as dangerous, that has left Muslims feeling unheard in their claims and unfree in the practice of their religion (Koenig, 2009), while leaving “seculars” in a heightened state of menace with regard to their (liberal) values and freedom.

4.2. The politicization of Religion

In the following we are going to discuss how and why religion has become a main source of attention in the political sphere:

Recent terrorist attacks committed in the name of religion have left state politics increasingly conservative in the face of globalisation and its inherent diversity. Concomitantly, alt-right political narratives are (strategically) refocusing on and appealing to religious values – with

success. As a countermeasure, the generated perception of threat is now being picked up by centrist parties in order to stay politically relevant, gradually “mainstreaming” ideas and discourses propagated by the far-right, that were originally considered taboo (see Kallis, 2013, p. 57, 59 and Wodak, 2013). Here too, a crisis of the undesirable, dangerous and inferior “Other” is constructed by strategically representing migration as a threat, using institutional, regulatory, and visual resources (Karyotis, p. 40). A drastic example for this behaviour is found in the US of 2020 with a president, banning Muslims from being able to enter the country (BBC News, 2018) as a way to keep “unwelcomed” people out of the United States, while at the same time tolerating a rise of white supremacist discourses from a growing group of evangelicals that refer to Christian values in a most conservative way. European countries, such as Germany and France, have also been struggling with a rise in populist ¹¹ nationalist movements in the last decade, finding fuel for their discourses of fear, in the migration and refugee issue. For instance, the *Front National* under Marine Le Pen and the *Alternative Für Deutschland*, respectively, share similar narratives of stark opposition against outsiders. There is a commonality in these three national populist movements, in the way that they “(...) invoke Christianity in a myriad of ways, from incorporating Christian symbolism in political rallies to developing a rhetoric of defending the “Judeo-Christian” tradition.” (Cremer, 2020). Again, Islam and Immigration (Religion) which are problematically considered linked in public and nation-state discourse, are being fashioned in opposition to western values and beliefs (Us vs. Them) (Triandafyllidou, 2017). Thus, religion becomes a way of performing nationality, where the nation state is framed as keeper and protector of its conventions and (religious) traditions from outside influences. In this context, Shirin Amir-Moazami considers the case of the immigration test in Germany, to be a political praxis that helps to establish or maintain and produce compliance with Nation State boundaries (Amir-Moazami, 2016, p. 29). It stands as an example of a “governmental power method” aimed to regulate religious and cultural pluralism by instituting state sovereignty in areas that would normally lie outside of state jurisdiction¹² (Amir- Moazami, p. 26). Amir-Moazami describes state

¹¹ A short comment on “Populism”: “The recent surge of national populism is caused by a very deep societal change: the emergence of a new social cleavage that is centred around identity” (Cremer, 2020). While the idea of “Populism” in itself comes from good intentions, as can be understood from its definition as being a movement “for the people”, its reality is tainted with severe hypocrisy. The movement has risen from frustration against elitist systems in place, which have created inequality in numerous sectors. Yet, today’s populist leaders who criticize the elites, all come from said elitist background themselves. Populists feed into fears around economic security, rise in terrorism, and migration, targeting the anxiety of specific groups of people and use it for political gain. This makes populism an attractive form of power for polarizing personalities of the likes of Boris Johnson, Donald Trump, Matteo Salvini or Viktor Orban to name but a few. The danger with today’s populists is that they don’t refrain from any questionable means to achieve their goals. Their strategy consists in subverting democratic institutions which endangers our democratic freedom altogether.

¹² Original Translation “(...) des Tests selbst als eine gouvernementale Machtechnik durch“

interference as one of disciplinary and controlling measures (p. 29) for the securing/ protection of state values. It creates a hierarchy in the relationship between becoming citizens and the state (p. 27), by assessing an immigrant's loyalty to the nation's values.

At this point the "good and bad religion" moniker can be appointed again. As Islam is systematically considered "illiberal", the test is not only formulated in a way that helps to determine whether the candidate's views are liberal (which includes topics of homophobia and arranged marriages), but it is also designed to *educate* the candidate on the nation's liberal values, indirectly demanding conformity. With its educational rationality, the test can also be understood "as an integration measure to shape immigrants and above all, Muslims into good German citizens" (Ha & Schmitz, 2006 in Amir-Moazani, p.30) who are willing to accept the political community they want to become part of. Similar to the French case on migrant marriages, religion thus becomes enmeshed with the politics of the nation state, engrained with stereotypical assumptions.

4.2.1. Religion as a strategic tool

Religion is not just used to vilify "others" it is also utilised to sharpen national identity, a concept picked up by alt-right nationalist movements (and evangelicals in the US). By describing religion as a strategic tool, I mean the concept of religion being instrumentalized by nation states, primarily as a means to further legitimize securitization discourses, aimed to keep people out. Religion becomes a tool that is employed both ideologically and strategically. Ideologically, to stimulate social coherence by invoking religion as an identity anchor. Strategically, by constructing an outside world, a religious enemy, where the danger lies not in the content of the other's religion itself but is defined by cultural aspects (but more on this later). Religion is used in political discourse to attract and win followers for political gain, requiring no high degree of religious commitment (Seul, 1999, p. 566) to have the desired impact. Instead, its power lies in its singular emotional reach. For example, Seul explains, "if nationalist movements provide meaning and a context for identity development generally, a nationalist movement linked to religion, may, for many, offer greater meaning and a richer context for identity development". It provides "(...) a basis for self-identification and group differentiation that transcends other markers" (Seul, p.565). Interestingly the authenticity/ loyalty of such religious identification/ affiliation can be deemed questionable when looking at rising populist narratives on religion. Cremer describes how his queries to such political leaders regarding what they actually mean when talking about Christian identity, laid bare the fact that "new national populist movements care comparatively less about Christian values and Christian beliefs". Instead, "Christianity in these movements really becomes not just a belief, but a form of a cultural identity—it's often more about cultural belonging than theological beliefs" (Cremer, 2020), one that is anchored in history not religion

per se. This is quite striking considering that, as seen in chapter three with the Iranian case study, the convert's sincerity about Christian belief was questioned because of their cultural Islamic background, implying that their change of faith was not authentic and rather a strategy for obtaining asylum. It is assertible then, that religion is instrumentalized for legitimization because of its potential to unite and reach people on an emotional and spiritual level as no other category can. By utilizing it as a mantle to disguise underlying political and economic gains, it is being strategically employed (and weaponized) intentionally. Here lies the true danger of religion: in its applicability and tolerance to be molded/manipulated into a specific interpretation that suits the user's intentions. The progenitors of this "strategy" are the extreme fringes of politics, namely the far right and the far left. Most prominent current examples are populist leaders in Hungary and Poland who argue on the ground of protecting Christian values against Muslims. Most national populists refer to history, tradition, and culture while underlining their Christian identity by opposing it to Islam (Cremer, 2020). Hence, religion is used to carve out the contours of "us", by emphasizing "them". The resulting "us" vs "them" discourse, in turn, plays into why religious practices like veiling, for example, are met so critically by western/secular society. One of the primary causes of Islamophobia is its visibility, in the sense that it falls out of the common western societal norm of dress code and displays of a certain religious affiliation. The topic of religious (Islamic) attire carries high levels of complexities that require nuanced analysis to understand all perspectives and sides. Amiraux explains that "the social visibility of veils marks an intersection of several frames of experience (aesthetic, sensual, symbolic, political, private). This intersectionality forces the wearing of veils into becoming a public political issue." (Amiraux, 2016, p. 43). Religion is thus used as a strategic tool, (Baumgart-Ochse, 2016) for ideological and political gain, by what Mies describes as "selective orthodoxy" (Mies, p. 20). At the same time this visibility of the veil is seen as a lack of loyalty towards the state as it clearly marks affiliation with Islam (see Amir- Moazami, 2016, p. 23) State involvement in the religious, is therefore likely to reinforce existing tendencies and mechanisms of exclusion (Nagel, 2015).

4.3. Culturizing Religion

Unlike France, Germany does not define itself as secular. Instead Germany is based on Christian values as can be seen in its Christian democratic parties (*Christlich Demokratische Union* and *Christlich-Soziale Union*). Cremer remarks, that they aspire to the "*christliche Menschenbild*: the idea of a Christian vision of man that informs your politics, very much on the traditional moral cleavage line". Religion is therefore inherently infused and present in public discourses.

Similar to secularism in France however is the idea that these state values must be protected.

In Germany, it is not the secularist liberal values that need protection from the religious conservative other, but rather it is the Christian based "Germanness", that has to be safeguarded

and which the immigrant communities are expected to accept and internalize (Esposito & Kalin, 2011, p. 13). This Christian sovereignty, rooted in a Christian majority culture, has contributed to the prevalence and reproduction of exclusion (Duemmler & Nagel-Kenneth, 2013).

Germany has had a well-known history with migrants. After the second world war, the country invited “guest workers” from turkey and Italy in the 1950s/60s, to help with the reconstruction. Once achieved, against expectations the guest workers did not leave, as they chose to stay and settle down. They are known as the first-generation immigrants. While the second and third generation of immigrants did not assimilate but became well integrated in the German society, thus facing less hostility than today. Muslims were previously generally referred to as Turks, that is to their nationality or ethnicity. While in the 1980/90s talks were about “Turks”, today’s narrative has changed, particularly since 9/11, to denominating them as Muslims. Triandafyllidou explains that “(...) the public debate on immigrant integration centered on the notion of a common German “leading culture” (*Leitkultur*)¹³ which demands that immigrants adapt to this leading culture if they wanted to stay in Germany for good (Triandafyllidou p.40). One reason for this change of perception was because of what was happening in Turkey under Erdogan’s regime when he started proclaiming secular Turkey as protector of Islam, the role the Ottoman empire had assumed before. This impacted Turkish attitudes towards religion, manifesting in a more visible affiliation to Islam, which did not go unnoticed by the German population. It shifted the perception of Turkish national identity to that of Islam. The Turks religious background thus became culturized (which included ascribing contested issues such as arranged/forced marriages or homophobia) to the entire community. This, in turn, contributed to the stigmatization of all Muslims in Germany” (Triandafyllidou, p.40/41).

The sentiment towards (Muslim) immigrants turned sour, with demands for immigrants and migrants to assimilate becoming louder, and securitisation strategies being augmented as previously discussed. The consequence of such deep-rooted culture of mistrust and suspicion is the further alienation of European Muslims, resulting in them becoming subcultures within Europe (Esposito & Kalin p. 13). This shift also provides the basis for what we see in the immigration test, which, interspersed with negative stereotypes about Islam, assumes that all Muslims follow the (radical) religious frame of mind. Amir-Moazami, describes the “Gesinnungstest” from the Baden Württemberg region, as specifically configured against migrants from Muslim countries.

¹³ This notion is however, a highly contested one. See 4.3.1 for more elaboration.

4.3.1. Religion used to cover racism

Arguing on the basis of religion in the context of identity is a strategy which is less penalizing than arguments based on national identity per se. Because while religious identity is generally understood as a personal and moral issue, arguing on nationality thus ethnicity, implores racism. Religious discourse is therefore utilized to downplay discriminatory intentions, by using Religion as a mantle, to mask political and economic issues. This leaves us to conclude that religion is not the cause for conflict as such but rather a factor of it (see Seul, p. 564).

It is important to include and understand the psychological dynamics in matters involving religion, as they show how powerful religion can be in its ability to influence people on an emotional level. This is imperative to consider in the analysis as to why religion is increasingly being used in political discourses. For example, national identity in Germany or the idea of a German "*Leitkultur*", are not unproblematic topics. The country still carries much shame about its Nazi past and for a long time has made open national "pride" or identification an almost taboo topic. Appealing to Christian values therefore becomes more feasible and appears more acceptable than appealing to "national" values, which are still tainted with dismay. Yet it is this struggle in German culture, between the people seeking safety in national identity and the political aspiration to atone with the past while undermining national identity sentiments, that has made the resurgence of nationalism so significant. The "forceful" rise in nationalistic attitudes, which have infiltrated the political sphere, is first handily responsible for the negative climate against (Muslim) migrants and asylum seekers, by propagating an "us versus them" narrative.

From a historical perspective, Tahir Abbas establishes that "the British discourse on racialized minorities has been transformed from 'colour' in the 1950s and 1960s to 'race' in the 1960s, 1970s, and 1980s; to 'ethnicity' in the 1990s and to 'religion' in the present climate." (Abbas, 2004). What counts for Britain also applies to Germany as we have seen in the example of the Turkish immigrants. In this line of thought, it does not seem farfetched to connect religious discrimination to a form of (cultural) racism. In fact, the link has been picked up by academia, specifically in the context of islamophobia. Esposito & Kalin summarize, that "Islamophobia has become a form of racism because it targets a group of people and incites hatred against them based on their religious beliefs, cultural traditions, and ethics backgrounds. With the rise of hatred and discrimination against Muslims, racism has come to combine not only race but also ethnicity, language, culture, and religion all at the same time (2011, p. 11)". The process of "racialisation" of religion (Islam) implies that the religious affiliation is likened to "race", upon which negative attributes (violent, bigoted, irrational) are assigned, prohibiting the participation in any public or private function of society. It generates a hierarchy between "(...) culture whereby certain types of cultural behaviour are identified as "modern, civic, civilized, liberating

and rational” while others are depicted as “retro, violent, bigoted, irrational and obscurantist” (Esposito & Kalin, p. 6). This coincides with Hurds “Two faces of faith approach” delineating what is considered good and bad religion.

5. Conclusion

The thesis has discussed the consequences of nation-state interference in religious affairs, when it overemphasises the religious affiliations of the people who are seeking a better a life by crossing its borders. It has addressed the way in which religion is conceptualized in the (secular) discourses and it has contemplated on the entanglement of the categories of religion and law in a secular context.

The two cases from chapter three laid bare the complicated relationship shared by religion and the law of human rights, where the reasoning for or against acknowledging one’s human right to religious freedom, is based on mostly secular interpretations, as well as how Christianity and Islam are problematically categorised, constructed and hierarchised by the West (May, Wilson, Baumgart-Ochse, & Sheikh, 2014, p. 335). The cases also clearly demonstrated the impossibility of the secular nation-state to maintain a strict separation from religious affairs, by its attempts to survey the private sphere to which it had confined religion thus far, in order to preserve and guarantee national identity. Hence, as exemplified in the second case study on migrant marriages, “[t]he secularisation of Islam, understood as necessary to Muslim integration in France, requires [and promotes] the constant regulation and surveillance of religious life” (Fernando, p.688), restricting the freedom of religion the country pledges to guarantee.

While Chapter 3 included the discussion about the construction and maintenance of migrant and refugee identity through religion, chapter 4 considered the perspective of religion as a threat to nation-state identity. However, the thesis revealed how political institutions and collective identities in modern nation states are considerably less “secular” and “neutral” than previously assumed, as Western “modern and liberal” values are in fact rooted in Christianity. This religious origin has become the base upon which populist as well as societal discourses have drawn their legitimisation of discriminatory narratives of “us versus them”, targeting and selecting Islam and migration processes as threat to national (and religious) identities. Similarly, or related to this, is the aspect of state securitization in times of globalization, in which religion is used as a strategic political tool to legitimize state measures for keeping people out. This demonstrates how religion is enmeshed with the politics of nation state, and to what degree the latter is engrained in negative stereotypical and harmful assumptions about religion, particularly with regard to Islam.

The overemphasis of people’s religious identity therefore creates all kinds of challenges as it creates socially and psychologically constructed borders and does not take the religious realities

of people into consideration. For one, overemphasis of religion contributes to problems with resettlement and integration, because people are deemed not to belong before they have even arrived, as they are labelled in religious terms rather than ethno-cultural background (see Triandafyllidou, 2017, p.38). It follows, “that language takes centre stage in the social construction of security, since exceptional responses are legitimized through discursive politics” (Karyotis, p.392).

The principle issue at play is that of putting everyone in the same pot. Refugees, migrants, and immigrants are being defined by their religious identity, based on the regions they come from. Prior to 2001, people were referred to by their nationality, post 9/11 by their religion, which is equated with culture and thus their identity. Because of the persisting negative narratives about religion as discussed in the context of “good” and “bad” religion, religious affiliation thus becomes a stigma and reason for marginalisation. There is a failure to appreciate their dignity, that bestows them value and acknowledges their reality and way of life.

Ultimately, when it comes to tackling and approaching the issues around religion, Erin Wilson summarizes that “[t]he challenge is not to overemphasize or under-emphasize the influence of either religion or secularism, but to recognize the assumptions that are made about both contribute to inhibiting how we respond to the challenges and possibilities of contemporary global politics.” (Wilson, 2019b, p. 157)

To actually address and unpack the issues, it is necessary for the media, (political) leaders and teachers not to engage in the polemical discourses about religion and migration. It becomes a balancing act, as the lack of focus on religion ignores an invaluable aspect when seeking to untangle and understand the dynamics of today’s globalised issues. Yet, policy papers do not accord religion the scrutiny it necessitates and demands (King & Lulle, 2016). At the same time, the overemphasis on religion, as it is currently happening in public and political discourses is most problematic as we have seen throughout this analysis, with the resulting consequences being discrimination and marginalisation of large groups of people. The question that then remains to be asked is: How to balance the attention (or lack thereof) paid to religion? One solution could be, for the media to modify and change the narratives they produce and propagate. But how to achieve this, when our current media is hyper-focused on click bait and sensationalism in order to stay relevant? Political narratives also need to change and evolve away from fear mongering. Yes, but how is that possible when negative discourses seem so attractive and effective in grabbing and holding onto power? If we assume that politics is a reflection of public opinion, how do we reach the people who choose to put their trust in populist quasi authoritarian leaders, and are themselves participating - directly or indirectly - in the spread and perpetuation of a toxic environment for refugees, migrants, and all those who they consider “other”? How to acknowledge people’s fears without feeding into and upholding negative stereotypes, so that they

do not feel cornered and thus assume a very defensive stance? In Essence: “(...) how to move beyond deconstruction and critique of existing paradigms and approaches and develop viable alternatives that can be implemented not only in theory but also offer something to policymakers and practitioners?” (Wilson, 2019b, p. 157). So many questions remain to be asked, while so few answers and solutions seem to be available. It is paramount that we remain very aware of the social construct and the relativity (rather than universality) of truth and of claims made by governments and other authorities in relation to migration. We should not tolerate nation-states from employing fear as the justifying language of public life (Robin, 2004) and it is important that we recognise, that the majority of the issues are socially constructed which in turn helps us question and expose the logic behind them.

This thesis concludes, that while the growing awareness to recognize the complexities of religion is encouraging, there is nevertheless still a lack of tangible and realistic solutions to help avoid the over-emphasis on religious affiliation to be instrumentalized for political gains.

The issues at hand are extremely complex and carry a lot of weight in regard to a harmonious coexisting. The analysis of nation-state interference in religious affairs, has made it exceptionally clear that today's political movements and dynamics are tightly intertwined with those of religion. This implies that secularism needs to be re-evaluated in its current outlay to procure a re-conceptualising and re-adjustment of secular perspectives and assumptions towards religion and its place in the public sphere. The theory of *post secularism* (Habermas, 2008; Berger, 2009) has tried to overcome religiously defined divides and seeks to bring religion and secularist views under one roof in a nonconfrontational way by appealing to tolerance, interfaith dialogue and the act of opening up to each other, rather than retreating into religious fundamentalist movements to find belonging in the modern world (such as Pentecostals and radical Islam). While in theory, the approach seems aspirational, its practical implantation is another story.

Hence, there is a real necessity to acknowledge that religious issues will only intensify in their impact and relevance in the near future. From polarising political discourses, to modern conspiracy theories (QAnon), religion is and remains a trigger for threatened (national) identities and unpeaceful sentiments. Principally, we need to shift away from our fixation on Islamic Terrorism and engage in the fact, that other religions, even those considered most peaceful such as Buddhism, are turning to increasingly violent practices of hatred and discrimination as well. Christianity too has a long history of severe violence and discrimination (against women, homosexuals) and other beliefs. And this kind of oppression is resurging in the form of a über conservative outlay of Christianity everywhere across the globe (Pentecostals, Born-Again Christians) especially in the US, with the fundamentalist evangelicals and alt-right nationalists who argue on the basis of Christian values. There needs to be a fundamental shift in how we perceive religious extremism and violence, as it is not confined to Islamic terrorism. Respectively,

I believe that one of the biggest issues that religious studies (and the world) are going to face in the near future, is that of domestic religion-based terrorism. The phenomenon is tightly intertwined with religious ideas and is influencing political systems and policymaking on a global level. While counter-terrorism measures by the state remain focused on foreign, primarily jihadist Terrorism, the danger of homegrown extreme nationalist and white supremacist terror has been neglected (The Economist, 2019, p. 19), allowing alt-right white supremacists to instrumentalise religion in positioning themselves as protectors of the “defenders of the Christian west” (Betz, 2013) against others. The issue is picking up severity in the US, yet the willingness to acknowledge that this religiously contextualized violence could come from fundamentalist Christians is out of the picture. One raises the question as to why states fail to look within their borders for sources of terror (Borgeason & Valeri, 2009) and what is being done against it. I argue that, due to its infiltration in mainstream political consensus, which strengthens marginalising and discriminating discourses of global reach, white supremacist terror is not equally recognised as Muslim terror because of the way right-wing national ideology affiliated itself with western values working against “oppressing” Muslim traditions.

The question here is, how do you hinder and punish those who claim to act in the name of the shared western values, when the rest of society seems aligned against this common (constructed) “other” enemy? Is it this two-edged thinking that plays into why “fundamentalist Christian/western” terrorism is usually overlooked and not correctly addressed or handled as such?

Not enough is being done to understand and thus prevent this form of domestic terrorism, while some politicians appear to be increasingly biased and in line with alt-right discourses and much of academia still focuses its writing on foreign religious terrorism (Merari, 1991). Some countries such as Germany have taken on a stricter position against alt-right nationalist tendencies within its borders. Perhaps the difference to the US, lies in the stigma of Germany’s past which has left the country very sensitive to all kinds of social and racial violence, and thus pushes back more vehemently against certain narratives and movements with the genuine aspiration to not let the past repeat itself.

Finally untangling the processes and gaining (if but a little more) nuanced understanding of religious processes is the key to finding a sense of harmony. I can only encourage whoever is interested in the topic of religion and its role today, to stay curious, and to keep asking questions, not become disheartened, to fact check and seriously investigate when some narratives do not feel right! Hopefully, this thesis has provided enough information for an introductory, and general understanding of the topic matter and hinted to all its implications and entanglements.

I would like to finish this thesis by referring to Albert Einstein’s “God Letter”, that he wrote to German writer Eric Gutkind in 1954, discussing religion. His words still hold such powerful truth, especially in retrospect of the current state of the world of 2020, when he writes that it does not

matter what our religious or our philosophical commitments are. The only thing that matters is how we treat one another (Menand, 2018).

6. References

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