Definition of religion. Annotated bibliography. Studies in English on psychology, philosophy, phenomenology, law, politics

Contents of this Section

The Problem of defining Religion

First Part: General studies in English:

A - Cas

Cav - Fuj

Gar -Kim

Kin - Owe

Pai - Sma

Smi - Z

Second Part: Studies in English on various religions:

Judaism, Christianity, Roman, Greek

Buddhism, Chinese, Hinduism

Islam, Shinto, Asian, African, Australian, Manichaeism, Zoroastrianism

Third Part: Studies in English on various disciplines:

History of religions, Comparative religions

Anthropology, Sociology

Psychology, philosophy, phenomenology, law, politics

Bibliography

Psychology of religion

1. Adrianse, Hendrik Johan. 1999. "On defining religion." In *The Pragmatics of Defining Religion: Contexts, Concepts and Contests*, edited by Platvoet, Jan G. and Molendijk, Arie L., 227–244. Leiden: Brill.
"Let us begin by clarifying our purpose: what follows is intended to construct a definition for academic use. The interlocutors to whom I address my proposal are the members of the scientific community.
I do not, however, want to try to formulate a universal definition in which all references to a particular perspective have been left out.
My purpose is more specific. I wish to concentrate on my own field of study, the philosophy of religion and the definition I intend to contribute to the general discussion is designed from this point of view." (p. 235)
(...)
"Our last step is to construe our regulative definition. We can best start from what has been identified as 'the heart of the matter' in the lexical definitions quoted above. These defining characteristics will function as the pattern on which we have to make our philosophical embroideries." (p. 242)
(...)
"I conclude by simply offering my own definition of religion, which according to a wide-spread custom I formulate as succinctly as possible.
By 'religion', then, I propose to understand:
a form of life in relationship with God or the gods, finding expression in veneration and service, in acts of faith and in beliefs." (p. 243)

2. Belzen, Jacob A. 1999. "Paradoxes: An essay on the object of the Psychology of Religion." In *The Pragmatics of Defining Religion: Contexts, Concepts and Contests*, edited by Platvoet, Jan G. and Molendijk, Arie L., 93–122. Leiden: Brill.
"It has long been customary since long in the study of mysticism, for instance, to acknowledge the existence of non-religious mysticism and to integrate it into the psychological study of religious mystIcIsm. For psychology cannot possibly determine what is 'true' or 'real' mysticism, as might be possible from a religious or theological viewpoint. By the same token, it is not psychology's business to define 'religion', although psychology has every right to study empirical phenomena such as conversion, education, mysticism, madness, spirituality, experience, be they or be they not articulated within a religious framework. That will also permit the psychology of religion to try to determine the similarities and differences between phenomena occurring within and outside a religious frame of meaning.
However slightly, such a contribution to knowledge of these partial aspects of potential human functioning may result in some additional perspective on spirituality - with what others have stipulated to be spirituality-with 'religion'." (pp. 120-121)

3. Bulbulia, Joseph. 2005. "Are There Any Religions? An Evolutionary Exploration." *Method and Theory in the Study of Religion* no. 17:71–100.
Abstract: "Common sense holds there are distinctive religions, an intuition that informs most scholarship and teaching in religious studies and the social sciences, but the intuition is somewhat misleading. In spite of apparent religious difference, recent psychological inquiry suggests that religion emerges from a single panhuman psychological design that strongly constrains variation. There is some variation in the religiosity of individuals and groups, but not the variation of “traditions”. This paper uses recent research in the cognitive and evolutionary study of religion to explore some basic properties of the mental architecture that generates human religiosity, including features that enhance the illusion of religious difference."

4. Dittes, James E. 1968. "Religion: Psychological Study." In *International Encyclopedia of the Social Sciences: Volume 13*, edited by Sills, David L., 414–421. New York: Macmillan.
"This distinction—between the seeming uniqueness of religion and its instancing of general problems in psychology—suggests alternative strategies in the study of the

psychology of religion. One strategy begins with careful attention to the phenomena and to the development of useful descriptive categories to handle them. The other strategy turns to religious phenomena only after a theory has been developed in another segment of personality and behavior. Of the pioneer systematists at the beginning of this century who turned their attention to religion, James (1902) represents the former strategy, Freud (1913; 1927; 1934-1938) the latter.
The phenomena-based strategy generally, although of course not exclusively or necessarily, has been employed by those who were personally more "sympathetic" to religion, who therefore tended to claim a greater richness or validity for their "participant" observations.
The psychology of religion has been marked by a schism between these two strategies. Descriptive, phenomena-based approaches of various kinds have made little progress toward developing genotypical categories useful for theoretical analysis. On the other hand, the "theoreticians" starting "outside" religion have made little use of the distinctions or other descriptive gains made by those interested in the phenomena." (pp. 414-415R)
References
Freud, Sigmund (1913) 1959 *Totem and Taboo*. Volume 13, pages ix-162 in *The Standard Edition of the Complete Psychological Works of Sigmund Freud*. London: Hogarth. First published in German.
Freud, Sigmund (1927) 1961 *The Future of an Illusion*. Volume 21, pages 5-58 in *The Standard Edition of the Complete Psychological Works of Sigmund Freud*. London: Hogarth. First published in German.
Freud, Sigmund (1934-1938) 1964 *Moses and Monotheism: Three Essays*. Volume 23 in *The Standard Edition of the Complete Psychological Works of Sigmund Freud*. London: Hogarth. First published in German.
James, Willliam (1902) 1963. *The Varieties of Religious Experience: A Study of Human Nature*. Enlarged edition with appendices and introduction by Joseph Ratner. New Hyde Park, N.Y.: University Books.

5. Fieder, Martin. 2023. "An Account of Behavioural Biology on the “Concept of Religion”." In *Transformation of Religion: Interdisciplinary Perspectives*, edited by Danz, Christian and Deibl, Jakob Helmut, 111–117. Paderborn: Brill Schöningh.
Abstract: "The research into behavior from an evolutionary comparative perspective faces principal obstacles as it is not possible to “ask” animals on attitudes, feelings. This “disadvantage” on one hand offers a large advantage on the other hand: the necessity to develop a description of behavior “beyond language” by quantification, mathematics and statistics. Hence to find commonalities that hold true for all living creatures. Hidden commonalities that would have never been apparent from verbal description only. The “quantificational approach” in the tradition of Galileo Galilei is standard in the natural sciences and meanwhile has found its way in the fields of biology.
As religious behavior in all cultures share characteristics, such as religious services, praying, the celebration of religious rituals and feasts; observing and analyzing these characteristics on basis of evolutionary assumption and by applying concepts and methods from behavioral genetics will enable us to develop concept natural sciences concept of “religion”."

6. Kavros, Peregrine Murphy. 2014. "Religion: Defined." In *Encyclopedia of Psychology and Religion*, edited by Leeming, David A., 1492–1495. Cham (Switzerland): Springer.
Second edition; first edition 2010.
"Agreement about the definition of religion has been lacking. The West generally views religion as a system of practices and belief towards a sacred or supreme being. Worship in the East has emphasized transcendence or liberation, as opposed to systematic belief. Many definitions of religion have been suggested, but one approach that avoids cultural bias and secular ideologies of human origin has suggested that religion includes doctrine (a creed of belief), myth (an historical sacred narrative), ethics (moral code of sacred origins), ritual (use of sacred

objects/ceremony including the historical sacrifice), experience (devotional, mystical, experiential), and social institutions (educational, social gatherings, social service, pastoral care), all of which are interrelated." (p. 1492)

7. Martin, Luther H. 2015. "The continuing enigma of “religion”." *Religion, Brain & Behavior* no. 5:125–131.
Book symposium: *Handbook of the psychology of religion and spirituality*, second edition, edited by Ray Paloutzian and Crystal Park, New York: The Guilford Press 2013.
"Conclusion
The problems identified in this *Handbook* – those of definition, and the related problems of theory, method, and evidence – are, of course, those characteristic of the study of religion generally, whatever the discipline. And, while these problems have been addressed forthrightly by contributors to the *Handbook,* their attempts to distinguish some sort of “religious” reality from a “non-religious” one remain, from a scientific perspective, ontologically problematic. Nevertheless, some phenomena can be heuristically identified as religious for purposes of research. My own stipulative definition characterizes religious phenomena as those *ordinary* human behaviors or ideologies that are *socially* legitimated by claims to the authority of *superhuman agency*. I consider this “neo-Tylorian” stipulation to be a necessary but not sufficient condition for identifying religions. It does not exclude, for example, social appeals to the “magical powers” of “little-people”, for example, fairies or leprechauns (Barrett, pp. 237–230), nor those to the “advanced knowledge” claimed of more cosmically oriented personnel, such as those proposed to visit from outer space (although, from a strictly scientific perspective, perhaps such claims should be included in psychological research, as do, e.g., Hood & Chen, pp. 425–427). And, my stipulation excludes certain intellectual or philosophically formulated traditions usually included in “world religion” surveys, such as Confucianism (apart from its folk manifestations) and “atheistic” Buddhism.
Psychological research should, however, focus on scientific explanations for what real people actually do and not on theological or philosophical reflections.
Further, my stipulation emphasizes *agency* since *Homo sapiens* are a social species and we cherish social relationships, including those with imaginary and superhuman figures. My stipulation further distinguishes between *superhuman* agents and *supernatural* agents. The ancient Jewish, Greek, and Roman deities, for example, were represented as superhuman but situated within the cosmos; only after the first century AD were many of these same deities re-represented hypercosmically, that is, as supernatural, as a consequence of environmental (cosmological) changes – an important distinction in the history of religions (Martin, 1987).
Finally, since spirituality is understood by vague claims to something “beyond” or “more” but not necessarily to agency, intentionality, or social interaction, and because these claims are individual rather than social, my stipulation excludes it, at least, from history of religions research." (pp. 129-130)
References
Martin, L.H. (1987). *Hellenistic religions: An introduction*. New York: Oxford University Press.

8. Platvoet, Jan G. 1999. "To define or not to define: The problem of the definition of religion." In *The Pragmatics of Defining Religion: Contexts, Concepts and Contests*, edited by Platvoet, Jan G. and Molendijk, Arie L., 245–265. Leiden: Brill.
"In this contribution, I propose to deal firstly with the problem of whether 'religion' can actually be defined. Are not the religions of men so diverse, and are they not each such poly-morphic, polysemantic and poly-functional phenomena, that it is an illusion to conceive that they will ever, collectively or singly, be adequately reflected in a definition acceptable to all scholars of religions, let alone one that is unambiguously accepted as universally valid for the whole of human religious history in the full diachronic depth of at least 100,000 years and its world wide synchronic diversity? My answer is twofold. Firstly, such a definition must indeed be deemed to be extremely unlikely, if not downright impossible. Secondly,

however, definition also has more modest uses which may turn definitions of religion, that have shed this universalist ambition, into quite useful tools in the academic study of religions. In the second section, I shall address the question of why, if a definition of religion turned out to be merely is useful research tool, one should bother to define 'religion' at all. Can one not better dispense with it altogether? My answer will be that one may indeed well dispense with it, but that, despite its very modest usefulness, it would still be unwise to do so. In my third section, I shall discuss these modest uses of definitions of religion, as well as their strategic implications. In the fourth and last section, I shall discuss the operational, or instrumental, definition of 'religion' which I have developed for my particular line of studies as an illustration of the purposes which a definition of religion may serve in the academic study of religions." (p. 247)

9. Wulff, David M. 1999. "Psychologists define religion: Patterns and prospects of a century-long quest." In *The Pragmatics of Defining Religion: Contexts, Concepts and Contests*, edited by Platvoet, Jan G. and Molendijk, Arie L., 207–224. Leiden: Brill.
"Concluding Reflections
The concept of religion, it is widely recognized, is a relatively recent derivation of Western and Islamic traditions. With today's new religious pluralism, the inexorable progression of globalization, and the growing popular tendency to associate religion with narrow belief and obligatory ritual, the concept seems increasingly unusable. Indeed, after tracing out the word's history and documenting the gradual but momentous shift of its referent from personal experience to the abstracted, depersonalized, and reified systems of others, the Canadian historian of religion Wilfred Smith argues that 'religion', in both its singular and plural forms, is so misleading that we should stop using it altogether.(46)" (p. 220)
(46) Smith 1963; see also Cohn 1962. In the place of the noun *religion* Smith proposes using the terms *cumulative tradition* (to refer to the observable contents passed from one generation to the next) and *faith* (to designate the personal response or outlook of individuals). Smith continues to use the adjective *religious*, for it suggests an attribute of persons rather than a reified entity.
References
Cohn, W., 1962, 'Is Religion Universal? Problems of Definition', in *Journal for the Scientific Study of Religion* 2: 25-33.
Smith, W.C., 1963, *The Meaning and End of Religion: A New Approach to the Religious Traditions of Mankind*. New York: Macmillan.

Philosophy of religion

1. Danz, Christian. 2023. "Religion and Communication: On the Foundation of a Concept of Religion in the Philosophy of Religion." In *Transformation of Religion: Interdisciplinary Perspectives*, edited by Danz, Christian and Deibl, Jakob Helmut, 119–132. Paderborn: Brill Schöningh.
Abstract: "Against the background of the debates on the theory of religion since the Enlightenment as well as the criticism of a general concept of religion, this article discusses the proposal to understand religion as communication. Thereby a general concept of religion is renounced and the construction of the concept of religion is limited to Christianity.
The concept of religion describes the transparent functioning of the Christian religion from the point of view of those who practice it. Only by such a restriction of the concept of religion it is possible to recognize on the level of the religion-philosophical foundation of religion that other religions already understand what religion is differently from Christianity. The considerations thus aim at a pluralization of the understanding of religion."

2. Fitzgerald, Timothy. 1996. "Religion, Philosophy and Family Resemblances." *Religion* no. 26:215–236.
Abstract: "Wittgenstein's concept of family resemblances has been adopted by some writers either to explain the use of the word 'religion' or to advocate a use in the context of a definition. The purpose of this definition is supposedly to avoid an essentialist definition of religion such as 'belief in God or gods' which is seen as too parochially tied to Judaeo-Christian theistic origins of the word, while at the same time guaranteeing a distinctive role for religion as a universally applicable analytical concept.
However, if an essentialist definition is not smuggled in for the purpose of maintaining a distinction between the 'religion' family and other neighbouring families such as ideologies, worldviews, values or symbolic systems, then the family becomes so indefinite that the word ceases to pick out any distinctive aspect of human culture. And this definitional dilemma in fact reflects the actual use of the word 'religion' by the scholarly community. Analysis of 'religion' texts shows that the word is used in such a large range of contexts that it is devoid of analytical value. Consequently, there is an obligation on the community of scholars to reconceptualize the wide and valuable range of work which is being carried out in 'religion' departments."

3. ———. 2003. "Playing language games and performing rituals: Religious studies as ideological state apparatus." *Method and Theory in the Study of Religion* no. 15:209–254.
Abstract: "The Wittgensteinian philosophy of language games in the service of "religion" is circular and closed from criticism, and this generates the illusion that "religion" is compellingly universal. Also some historians, while attempting to uncover the specific and localized origins of the modern category "religion" in early modern Europe, simultaneously and unwittingly reconstruct the assumed universality of the category by uncritically using the problematized word in a description of societies in which the modern category, according to their own research findings, did not yet exist. These techniques suggest an unacknowledged ideological field lying behind the usages of the category. I argue that "religion" is one of a pair, the other half being "non-religion" or "the secular". The formation of the modern notion of religion needs to be seen initially in relation to privatized Protestant piety and the separation of church and state, whereby an apparently demystified human nature and fully rational modern civil society was made possible. But the application of the religion-secular distinction to an increasing number of colonies has resulted in "religion" becoming a catch-all container for indigenous institutions and practices that impede progress (i.e., impede realization of secular rationality by the natives).
Debates about the logic of the religion-secular category can only become fruitful when we analyze the way in which they each construct their other half. However, the way "religion" is institutionalized and investigated in the academy elides its function in the invention and legitimation of the modern Euro-American secular, for it is treated as though it stands alone, either as a category in its own right or as a natural reality corresponding to that category."

Phenomenology of religion

1. Arnal, William. 2017. "Critical Responses to Phenomenological Theories of Religion. What Kind of Category Is "Religion"?" In *Religion, Theory, Critique: Classic and Contemporary Approaches and Methodologies*, edited by King, Richard, 421–434. New York: Columbia University Press.
"Such is the present mood that Stanley Stowers asserts that "the rhetoric of despair about 'religion as an object of study' has become nearly hysterical." (6)

This “despair” merits examination: Is there something odd, something misleading or problematic, about “religion” as a category? In fact, in my view, there is: the idea of “religion” as a bounded entity and a natural type not only represents an imposition on non-Western and nonmodern cultures (an imposition that could be tolerated if it bore intellectual fruit), but is an analytically incoherent concept, an idea that inhibits, rather than facilitates, our understanding of those phenomena we designate “religious.” “Religion” is not fundamentally a scholarly, academic, or analytic category (at least not usefully); it is a political and legal category demarcating cultural territory on which the modern secular state will not tread." (p. 421)
(...)
"In sum, then, we might conclude that Jonathan Z. Smith is at least partly wrong: “religion” is not a scholarly category or construct.(50) Most scholarly efforts to define religion have in fact simply been efforts to identify the natural type to which this Euro-Western folk category (perhaps imperfectly) must surely refer. (51) At the same time, though, Jonathan Z. Smith is also partly right: we are trying to understand our data, and to do so requires us to some degree to frame that data in terms of the categories that make sense to us, even if in so doing we distort them somewhat or off end those whom we seek to understand. Self-critical reflection on the taxonomies of religious studies should not become an excuse for resorting to simple repetition and description of insider claims.
The value of “religion” will not depend on its isometry with the data it delineates and shapes, (52) or on the validity of its claims to universal applicability. Rather, it will depend on the capacity the category might continue (or not) to have to surprise, to clarify, and to shape and transform our own organization of the human universe." (pp.429-430)
(6) Stanley K. Stowers, “The Ontology of Religion,” in Introducing Religion, ed. Willi Braun and Russell T. McCutcheon (London: Equinox, 2008), 434. Interestingly, Stowers echoes here the observation of Cantwell Smith (Cantwell Smith, *Meaning and End of Religion*, 110) that the term “religion” carries a sense of malaise with it.
(51) This, in my view, is all that is accomplished, for instance, by the excruciating definitional efforts of Geertz, “Religion as a Cultural System.”
(52) As Smith stresses, it is precisely the difference between analytic concepts and the selfpresentation of the data that gives those concepts explanatory force. So, for example, Smith, “Bible and Religion,” [Bulletin: Council of Societies for the Study of Religion 29 (2000): 87-93; repr. in idem, Relating Religion: Essays in the Study of Religion (Chicago: University of Chicago Press, 2004), 197-214] 208.

2. Flood, Gavin. 1999. *Beyond Phenomenology: Rethinking the Study of Religion*. London: Cassell.
Chapter 2: *The idea of 'religion'*, pp. 42-64.
Summary: "The abstract category 'religion' which developed within the particular history of Western thought, has been taken since the Enlightenment to be universal. This, however, is problematic when 'religion', if defined in essentialist terms is applied to non-Western contexts. But rather than abandon the term, 'religion' is a word within language whose use is not determined by scholarship but by the wider linguistic community, Furthermore, if the category 'religion' as Russell McCutcheon has pointed out,(81) were to be replaced by another such as 'culture' or 'ideology', this would be simply to defer the problem of applying culture-specific meanings to a general level. For the purposes of the present study, I take religions to be binding narratives and behaviours within cultures: there is no discourse of religion outside of particular cultures. To say this is to place language at the centre of inquiry, both in terms of the narratives of particular Traditions and in the language of ritual. Theories about religion have fallen broadly to three categories: quasi-theological explanations, such as theological universalism; hermeneutical/phenomenological explanations or interpretations; and reductionist, scientific explanations such as those of cognitive anthropology, I have discussed briefly the theological universalist and cognitivist programmes, discussed problems with these strategies, and indicated

some ways forward by introducing John Clayton's exposition of the *vãda* tradition in Indian philosophical disputation as a form of dialogical model. Both the rheological universa!ist and the cognitivist seek to explain religious diversity by locating its cause, one the one hand, in the supernatural and, on the other, in cognitive processes. I have argued that both strategies do not take seriously the particularity ot religious utterance and seek to diminish the importance of cultural, narrative transmission. Explanations or research programmes are always embedded within a particular social context and the inquirer is always in a dialogical relationship with the material at hand. In this sense explanations are inevitably interpretations based on different epistemological assumptions, themselves provided by the wider research culture. To this problem we will now return." (pp. 63-64)
(81) Personal communIcation.
References
Clayton, John, 'Thomas Jefferson and the Study of Religion' (inaugural lecture, Lancaster University, 1992).

Law and religion

1. Deagon, Alex. 2020. "Towards a constitutional definition of religion: challenges and prospects." In *Freedom of Religion or Belief: Creating the Constitutional Space for Fundamental Freedoms*, edited by Babie, Paul, Rochow, Neville and Scharffs, Brett, 92–108. Cheltenham, UK: Edward Elgar Publishing.
Abstract: "Attempts to define religion have been controversial and contested. Many competing definitions have been proposed by scholars and judges but no consensus has emerged. As religion is a fundamental term in Section 116 of the Australian Constitution, it is important to continue seeking an accepted definition of religion for the purposes of constitutional interpretation. This chapter identifies four challenges to defining religion and claims the problem has been further entrenched by persuasive arguments that the secular is also a kind of religion. The chapter consequently proposes a new definition which goes someway to addressing these challenges. The new definition is broadly similar to the approach taken by the Australian High Court, with some modifications in response to the four challenges and contemporary interpretations of the secular. It is hoped this chapter will restart what has been a languishing conversation in Australian constitutional law."

2. Donovan, James M. 1995. "God Is as God Does: Law, Anthropology, and the Definition of "Religion"." *Law Faculty Scholarly Articles*:23–99.
"The focus of this Article is upon one term which lawmakers bandy with relative abandon: religion. All told, "religion" and "religious" are words which appear in 574 sections of the United States Code and 1,490 of the Code of Federal Regulations.(5) These legislative and administrative references are interpretable only if the category of "religion" is appropriately and adequately defined.
Religion receives this legal notice because it is set apart culturally as an aspect of both social and individual life that is protected from government interference. This expectation is enshrined in the First Amendment of the United States Constitution: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. "(6) The principle of non-interference therein appears within two standards, those of Establishment and Free Exercise." (p. 26)
(...)
"The following section discusses the judicial deliberations upon the definition of religion. That discussion adopts a chronological sequence because, in legal matters, that is the one that counts. Statements of law and legal interpretation are accorded influence not solely by their content, but by their location within a hierarchical structure, so that they are binding on everyone beneath them, and at a temporal

moment, being read in light of what has already occurred in the past. When something was said, and by whom, is often as important as what was said.
(...)
By analogy, the correct definition of "religion" can be identified by finding where the legal efforts intersect with an independent sighting of the same target. Where this intersection occurs, there is the "spot" where a satisfying, usable definition is most likely to be found.
The independent discipline selected for this purpose is anthropology.
The third section of this Article will provide a review of this field's attempts to define religion. The chronological outline of legal discussion will contrast with the thematic pattern in this anthropological discussion. A chronological order here would obscure patterns, not reveal them.
The fourth section will then directly compare the results of the two preceding discussions, and reveal that they intersect at a functional definition of religion: religion is to be identified by the needs it fulfills. Specifically, the heart of religion is its response to the existential concerns of the individual. The final section will offer a definition which conforms to these results." (pp. 28-29)
(5) 'As of May 24, 1995, as searched on WESTLAW, "USC" and "CFR" respectively, querying "religion [or] religious." A similar search in LEXIS, Library "Genfed," Files "USCS" and "CFR" yielded 839 and 1,511 sections. The discrepancy may be attributed to the different use by the providers of headings and annotations.
(6) U.S. Const. amend. I.

3. Feofanov, Dmitry. 1994. "Defining Religion: An Immodest Proposal." *Hofstra Law Review* no. 23:309–405.
"Proposed Definition
As evident from the preceding discussion, a modem definition must meet several criteria: (1) it must be unitary in order to account for the language of the First Amendment; 7 (2) it must strike a delicate balance between over- and underinclusiveness;. (3) it must be substantive, and not functional or analogous, lest religions not fitting the analogy be excluded; (4) it must be intelligible to anyone, including non-adherents of religion; and, (5) it must agree with our intuitive notions of what is and is not religion.
I therefore propose the following test:
Religion is a manifestly non-rational (i.e., faith-based) belief concerning the alleged nature of the universe, sincerely held." (p. 385, notes omitted)
(...)
"Conclusion
Religion Clauses jurisprudence will continue to suffer from the infirmities identified earlier. While the proposed definition may not be the final word on the subject, it, along with the background information and conceptional ammunition this Article provides, should serve as a useful analytical tool for practitioners, allowing them to tackle the Religion Clauses controversies.
By raising conceptually sound arguments in cases concerning religion we should be able to clarify the law and force judges and legislatures to face difficult questions of protecting religious and nonreligious thought and behavior. As the Supreme Court itself recognized, "[l]iberty finds no refuge in a jurisprudence of doubt."(4) When the scope of constitutional protection is in doubt, the liberty of all, religious and non-religious, is ultimately at risk." (p. 405)
(4) Planned Parenthood v. Casey, 112 *S. Ct.* 2791, 2803 (1992).

4. Griffith, Peter. 2007. "Protecting the Absence of Religious Belief? The New Definition of Religion or Belief in Equality Legislation." *Religion and Human Rights* no. 2:149–162.
Abstract: "The Equality Framework Directive requires member states to prohibit discrimination in employment on grounds of (*inter alia*) religion or belief. Defining the scope of the phrase ‘religion or belief ’ is complicated and has given rise to debate in the United Kingdom, particularly with reference to belief which is not

self-evidently ‘religious’. The UK Regulations which implemented the Directive contained a definition referring to ‘religion, . . . religious belief, and . . . similar philosophical belief’. This definition was subsequently changed, adding a specific reference to lack of belief, and removing the word ‘similar’. This adds complexity to an already difficult area. This article considers the effect of these changes, identifies difficulties they cause and suggests a way of avoiding them."

5. Gunn, T. Jeremy. 2003. "The Complexity of Religion and the Definition of “Religion” in International Law." *Harvard Human Rights Journal* no. 16:189–215.
"A. The Underlying Methodological Difficulties in Defining "Religion"
There are two important aspects of definitions of religion. The first involves the underlying metaphysical assumptions about the nature of religion (what is being defined). The second involves the type of definition that is to be used (how the term is defined).
1. Assumptions about the Underlying Nature of Religion
Definitions of religion necessarily involve assumptions about its underlying nature. "[E]ach and every definition of religion implies at least some theoretical conclusions .... (19) One of the many difficulties encountered in reaching a consensus on a legal definition of the term is that, at root, "no convincing general theory of religion exists."(20) Three of the principal theories about religion are: first, religion in its metaphysical or theological sense (e.g., the underlying truth of the existence of God, the dharma, etc.); second, religion as it is psychologically experienced by people (e.g., the feelings of the religious believer about divinity or ultimate concerns, the holy, etc.); and third, religion as a cultural or social force (e.g., symbolism that binds a community together or separates it from other communities). Definitions of religion typically begin by assuming one of these three different theoretical approaches."
(...)
2. Types of Definition: Essentialist or Polythetic
Once the underlying theoretical assumptions are identified, there still remains the difficulty of the form that the definition will take.(22) Two of the most important forms of definition may be characterized as the "essentialist" and the "polythetic." An essentialist definition identifies the elements that are necessary for something to be designated as a "religion.". Whenever a legal definition is essentialist, it assumes that religion has one or more elements in common with all other religions.
The second type of definition, the polythetic, does not require that all religions have specific elements in common. The most widely known illustration of a polythetic approach to definitions generally is Ludwig Wittgenstein's explanation of the meaning of "game." Wittgenstein described the wide variety of activities for which we use the term "game," but notes that there is no single feature that all games have in common. (23) Yet, he believes, we can see resemblances among the different types of activity that are all called games, even if they do not share any features in common." (pp. 193-104)

6. Sandberg, Russell. 2018. "Clarifying the Definition of Religion Under English Law: The Need for a Universal Definition." *Ecclesiastical Law Society* no. 20:132–157.
Abstract: "There is no universal definition of religion under English law. Instead, different definitions have been developed by courts and tribunals in relation to different religious rights.
Although there have been moves towards the harmonisation of these different definitions, recent decisions have reversed that trend. This article explores for the first time how this has led to a confused and contradictory case law. It begins by surveying how religion has been defined in registration law, charity law, human rights law and discrimination law, the moves towards harmonisation and the counter-tendencies in the recent decisions. It places the recent decisions within their broader legal context and points out a number of contradictions and uncertainties. Arguing that a universal definition of religion under English law is now needed, it synthesises the case law to identify the elements of a universal definition that already exist. The article examines how these can be refashioned in order to remove

inconsistencies that exist in different areas of law. Drawing upon insights from the sociology of religion, the article concludes by proposing a new definition."

Politics and religion

1. ———. 2007. "Encompassing Religion, privatized religions and the invention of modern politics." In *Religion and the Secular: Historical and Colonial Formations*, edited by Fitzgerald, Timothy, 211–240. New York: Routledge.
"This chapter is the small beginning of a larger enquiry into the changing meanings since the sixteenth century of categories such as ‘religion’, ‘superstition’, ‘politics’, ‘civil society’, ‘secular’, ‘sacred’, ‘profane’(4) and ‘economics’. One aspect of this enquiry is the influence of the colonial context on ideas. Given that these historically constituted categories do change in meaning and context, it would be methodologically inconsistent to organize the historical argument presented here in terms of these categories. It would be unhelpful if I was to claim, for instance, that religion impacted on politics differently in the fifteenth century as compared with the nineteenth, because this very form of words, “religion impacted on politics”, smuggles in a tacit assumption that in the fifteenth century ‘religion’ and ‘politics’ were conceived as essentially separate entities or domains capable of having an impact on each other." (p. 212)
(4) See Fitzgerald (2007) for a discussion of the ubiquitous confusion between the religion–secular and sacred–profane dichotomies, and the need for their analytical separation.
(...)
"Conclusion
In this chapter I have argued that in contemporary rhetoric on religion there are two general conceptions of religion that are in conflict. They both derive from Christianity, and project an internal ideological hostility between a holistic concept of Christendom, which I have called encompassing religion, and a privatized Protestant inward piety or faith that makes possible the idea of a secular (in the sense of non-religious) world. These opposed ideologies still oscillate in contemporary discourses.
One is of encompassing religion, where nothing properly exists outside religion since it represents Truth, which is all-embracing. In this model, ‘politics’ and ‘economics’ are embedded, and all ‘facts’ are subordinated to Christian redemptive values that give them meaning. This model of religion is hierarchical, and all things that exist have their proper place and function within the teleological whole. Individual persons exist in so far as they find their proper subordinate place in this context of hierarchical relationships. That which opposes it is pagan superstition and belongs in Hell.
(...)
The second concept of religion, which I would argue is hegemonic today, cuts across the first, or stands it on its head. The idea of religion as a private soteriological belief essentially separated from politics, or the idea of religious societies having essentially different purposes and characteristics from political societies, has become institutionalized in Western liberal democracies and exported through the processes of colonization to many societies where no such distinction was conceivable in the local language.
This idea of religion was powerfully articulated (in the English language at least) in the seventeenth century, and was developed and transformed into a conception of secular, rational, political ‘man’, especially through the American constitutional process, which produced the most powerful charter for representing this political essence. At the same time, and as an integral part of this discourse, a notion of the secular as the nonreligious, the natural, the rational, was generated as the superior ground from which to observe and order the world. This idea of religions as

privatized personal choices first made the idea of markets as aspects of nature possible, and then the religions became commodities themselves." (p. 235)

2. ———. 2007. *Discourse on Civility and Barbarity: A Critical History of Religion and Related Categories*. New York: Oxford University Press.
"The major focus of this book is on the historical process whereby 'religion' and 'politics' or 'the state' came to be imagined as essentially separated domains having problematical relations.
I am concerned with the way that a modern notion of politics has been rhetorically constructed as a secular, 'nonreligious' arena of rational action. I have argued that to invent such a seemingly self-evident discourse, it has been historically necessary to invent the dichotomous discourse on 'religion' and 'religions'.
Politics, as finally separated from the domain of religion, is the natural as against the supernatural, the commonsensical as against the supersensible, the empirical as against the speculations of metaphysics. 'Politics' is paradigmatic of modern rationality, as compared to the obfuscations of earlier forms of religious and traditional irrationality.
However, integral to this story is the emergence of a second, closely connected domain of modern rationality, the 'economic'. 'Economics', in the form of an autonomous science or discipline, has developed as a virtual theology of liberal capitalism, which is represented rhetorically and theoretically as a fundamental and virtually self-evident human practice, obscured for centuries by irrational 'religious' prohibitions but now emerging as the ground of human self-realisation. From a transitional notion of 'political economy' in the eighteenth century, politics and economics have emerged as the uneasily overlapping domains of modern rationality. I have argued that only by inventing an illusory and separated arena of 'religion' and 'religions', so assiduously pump-primed by the modern religion industry, could the rhetorical construction of 'politics' and 'economics' have been made to seem like inescapable commonplaces, as if they are inscribed into the nature of things." (P. IX)

3. ———. 2011. *Religion and Politics in International Relations: The Modern Myth*. London: Continuum.
"The argument here is that, historically and conceptually, the idea of religion as a universal essence manifesting in specific religions, and the idea of politics as a distinct, non-religious domain, emerged (in English at least) in the late seventeenth century and did not become powerfully institutionalized until the American and French Revolutions and their respective proclamations of a new world order. But the meanings of the key terms in these proclamations are deeply ambiguous, for the revolutionaries were appropriating older Christian discourses of religion as Christian truth and transforming them in the context of a new Euro-American world order. The new terms and meanings proclaimed in these seminal moments were hotly and violently contested, but gradually they won the day and became the basis for the contemporary globalizing myth of religion and secular domains.
The continuation of the same words 'religion' and 'secular' from the old regime to the new one has acted to disguise the fundamental transformations in the meaning and typical use of these terms, and has facilitated the illusion of an essential continuity. One deeply embedded assumption made by historians and many others is that the modern distinction between religion and the secular is a continuation of a distinction that has always existed in 'Christianity'. I shall argue that this is a fallacy, a backward projection of a new distinction which was probably first articulated in the late seventeenth century and which has come to constitute a fundamental constituent of modernity. Even 'Christianity' is a reified modern invention that is continually recycled as a historical essence." (p. 5)

4. ———. 2013. "A Response to Kevin Schilbrack." *Method and Theory in the Study of Religion* no. 25:101–106.
Reply to K. Schilbrack, *The Social Construction of "Religion" and Its Limits: A Critical Reading of Timothy Fitzgerald* (2012)

Abstract: "Kevin Schilbrack has pointed out that in my publications over a period from 1994 to 2007 there are some discrepancies in my arguments about some categories, especially "politics" and "culture." In some earlier research on Dalits and Buddhists in Maharashtra I could not locate "religion," so I attempted, unsuccessfully, to develop a tripartite conceptual substitution for "religion"—ritual, politics and soteriology—for purposes of description and analysis. However, though this was repeated in Ideology, I have come to realize that it contradicts a more fundamental argument which is tacit all the way through Ideology, for example in the critique of constructions of "religion-and-society." It has become progressively clearer to me that the religion-politics binary is one of a series which rhetorically invents both domains (fundamentally religion-nonreligion) as mutually parasitic, while simultaneously transforming the nonreligious secular domains into the common sense order of things. Religion acts as the arena of "faith" and "belief" in contrast to the supposed objective secular knowledge of the "real" world. I have pursued this latter argument most recently in *Religion and Politics in International Relations: the Modem Myth*, which shows how writers in that discipline have transformed "religion" into a global agent of malice threatening the benignly rational secular state."

5. Gabriel, Ingeborg G. 2023. "Political Religion: Transformation of a Political Concept and Its Ethical Consequences." In *Transformation of Religion: Interdisciplinary Perspectives*, edited by Danz, Christian and Deibl, Jakob Helmut, 163–180. Paderborn: Brill Schöningh.
Abstract: "The term “political religion” has acquired a range of rather varied meanings, the terminology changing according to historical circumstances. It originated in the interwar period as an expression for the new phenomenon of secularist totalitarianisms, lacking a transcendental perspective that gives meaning to the lives of citizens and a basis for political order (Eric Voegelin). The widespread usage of quasi-religious rituals and cults by secularist autocratic and totalitarian regimes for propaganda purposes turning them into “political religions” was analyzed by Hans Meier, who used the term as a heuristic tool. As a response to secularism many societies today see a revival of political movements driven by religious convictions. In the course of this geopolitical shift “political religions” has acquired yet another meaning. The ethical challenges this poses are outlined in the last part of the paper. What is at stake here is a reconciliation of the normative political inventions of modernity with religious traditions and moral codes as central condition for peaceful developments worldwide."
References
Maier, Hans: “Political Religions: A Concept and its Limitations”, in: *Politics, Religion and Ideology* 8 (2007), pp. 5–16.
Voegelin Eric: "Political Religions" [1938] translated by T.J. DiNapoli and E.S. Easterly III, Lewiston: The Edwin Mellen Press 1986.