NEW DIRECTIONS IN THE STUDY OF AMERICAN RELIGIOUS FREEDOM

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Books reviewed in this essay:


Religious freedom matters to Americans and to scholars of American religion. A robust body of scholarship has advanced a variety of arguments about religious freedom, sometimes agreeing on almost nothing other than how important it is. Legal scholars have argued about the original intent of the First Amendment, whether its expanded interpretations mark regression or positive change, and what the future of American religious freedom ought to look like.1 Historians of law and religion have offered normative conceptions of religious freedom, narrating its rises and declines. Though old motifs of religious freedom as America’s “first freedom” have been “nuanced,” they persist in the perceived centrality of religious freedom to national identity and to liberalism in general. Thus, religious freedom remains indelibly American and, when correctly understood and applied, a good thing. Many scholars have assumed that when religious freedom appears oppressive or biased or unequally applied, it is not in fact real religious freedom. For instance, in his The Myth of American Religious Freedom (2011), David Sehat concluded that “the frequent invocation of religious freedom has obscured that in actual practice Christian moral and religious ideas pervaded American law and society and formed critical boundaries circumscribing that freedom” (283). Other scholars have recognized that the dichotomy implied by Sehat’s phrase “in actual practice” is a false one. They instead have shown that American “religion,” especially the kind protected by “religious freedom,” is structured by Protestant frameworks. The prevalence not only of Protestantism but of anti-Catholicism in nineteenth-century America lends itself to

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this line of argument. Though treatments vary widely, the study of American religious freedom typically focuses on public and often legal settings, especially court cases dealing explicitly with “freedom of religion” provisions at the state and federal levels.

In recent years, a growing number of scholars—from perspectives including religious studies, anthropology, political science, and history—have taken religious freedom itself as an institution, ideology, or discourse to interrogate. This review essay considers recent books by four such scholars, thinking with them in order to move in new directions with the study of religious freedom. Sylvester Johnson’s *African American Religions, 1500–2000* is a rich and theoretically sophisticated narrative of Black religions focusing on the realities and tropes of colonialism, democracy, and freedom, especially the ways in which Black actors have lived with and reacted to them within imperial settings. Finbarr Curtis’s *The Production of Religious Freedom* likewise analyzes, through a range of case studies from antebellum America to the twenty-first century, the conditions under which freedom, in its various and contested forms, is forged. In *Exporting Freedom* legal scholar Anna Su examines the role of religious freedom in the spread of American imperial power, throughout the twentieth and into the twenty-first century. Political scientist Elizabeth Shakman Hurd’s *Beyond Religious Freedom* analyzes and reproaches international relations experts, politicians, and policymakers and their promotion of religious freedom, showing the conceptual problems and sometimes troubling implications of the “new global politics of religious freedom” prevalent in American and other nations’ foreign policies.

Each book has some version of both “religious” and “freedom” in its title, but they do not represent a particular subfield or even discipline. What does link them is a shared understanding of religious freedom as not simply an inevitable by-product of democracy and liberalism but, rather, a political project powerfully enacted and enforced. All four authors draw directly or indirectly from Talal Asad’s framing of secularism. As he wrote in his influential *Formations of the Secular* (2003), “Secularism is not simply an intellectual answer to a question about enduring social peace and toleration. It is an enactment by which a political medium (representation of citizenship) redefines and transcends particular and differentiating practices of the self that are articulated through class, gender, and religion.”

Domestically and internationally, the secular order of American religious freedom is both a tool by which political media do their work and the ostensible goal of that work.

In this essay, I identify the shared concerns between these books and generate conversations and common questions to assess their contributions to understanding religious freedom. Since they are not always explicitly in conversation with each other, or with the same set of disciplinarily delineated referents, I bear some interpretive onus here. I have been careful not to “read into” these works anything not already within them or to misrepresent the authors’ intentions, but I have sought to use the books to probe new directions in the study of American religious freedom. These are productive books, and this essay is designed to think about what they might produce, particularly when read in concert. Taken together, the books help to pose and answer at least three questions, each of which will be considered in its own section of the essay. How do contested notions,

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designs, and realities of “freedom” inflect American religious freedom? How is American religious freedom related to American imperialism and international relations? What roles has race played in American religious freedom?

**Freedom**

Religion can be free in at least two important senses. Many Americans, including those with legal authority, assume that the two senses of freedom work together, and they therefore assume that free religions should beget religious freedom. First, religion could be free from excessive intervention. Freedom of religion has meant that religion and government (or, institutionally, church and state) will operate separately, and that government will not prohibit or abridge free individuals’ religious beliefs. These are the two basic freedoms outlined in the First Amendment’s religion clauses. The second type of free religion, though, is about the content of the religion itself. Does that religion promote freedom? How constrained are its members? Is membership voluntary? Is conversion discouraged? Unfree religions—construed variously as bad religions, non-religion, superstitions, cults—are more complicated in their interactions with states. While scholars of American religion are by now well accustomed to interrogating, destabilizing, and historicizing the category “religion,” its frequent partner “freedom” has gone relatively unexamined.

Curtis’s *The Production of American Religious Freedom* begins with the supposition that American religious freedom does not exist in any absolute or stable sense. It is, as the title suggests, produced. This production occurs in a number of settings, as “religious freedom is a malleable rhetoric employed for a variety of purposes” (2). Further, like most Americans, Curtis argues that “scholars of religion in America often take as axiomatic that religious freedom is a good thing and welcome the range of spiritual choices made possible by secular liberal institutions” (2). Over the course of eight chapters, Curtis explores different ways of interacting with such institutions, based on individuals’ and groups’ varying conceptions of freedom itself. In a chapter on William Jennings Bryan, Curtis considers, among other questions, how Bryan could be so conservative in his religious ideas and so progressive in his politics. This question has vexed many historians, who have offered unsatisfactory answers, if any. By thinking about Bryan’s idea of freedom, though, Curtis explains how his anti-evolution stance worked alongside his politics. He thought evolution advanced a conception of humans who were not only immoral but unfree. For Bryan, “Darwinism posed a threat because it taught that the work of building nurturing social institutions was unnecessary in a free marketplace driven by selfish biological desire” (58). Sentiment, a fellow feeling, holds the nation together, according to Bryan, but to overcome selfish sin, people needed to view themselves as free, not bound by nature and instinct.

Hurd’s *Beyond Religious Freedom* also theorizes the co-constitutive conceptualizations of religion and freedom, as it details the newly prominent religious freedom agenda advanced by the United States and other nations in recent years. This freedom is championed by human rights groups, international aid organizations, and the US State Department, among others. For these actors, religion can hold the key to understanding cultures and conflicts. In this view, religion causes problems, but it also can be the solution to those problems. Hurd criticizes the international religious freedom agenda, arguing that relying on “religion” as a category of analysis leads to slipshod analysis, papering over complicated dynamics with easy but often obfuscating
classifications. To explain this conception of religion, Hurd identifies two categories: good and bad religion. A policymaker or politician is unlikely to use those terms exactly, but the model is clear and pervasive. Hurd writes, “Religion ‘done right’ is not only good for the individual but also indispensable to international public life. It is a public good, a force multiplier. This approach to religion and international relations dominates in US foreign policy circles” (25). Her arguments are compelling, and they should be considered by policymakers, think-tanks, academics whose research is funded by the US State Department, and others involved in the promotion of religious freedom. But Beyond Religious Freedom also can and should be used by historians and other scholars of American religion.

Hurd’s work focuses on the present and very recent past, but she briefly argues that the roots of this dualistic framework of “good” and “bad” religion can be found in “US Cold War attempts to combat communism by promoting global spiritual health,” in which “religion was either ‘freed’ or co-opted” (35). In this model, we see how unfree religions are assumed to be co-opted, changed somehow from their original, unproblematic state. The connections to twentieth-century comparative religious studies, in its essentialist and pluralist forms, are real and significant, especially insofar as world religion textbooks have been utilized to understand religions as a way of governing populations. The history of religious studies is part of American religious history, and religious studies has been and remains deeply imbricated within US foreign policy objectives. In these ways, freedom is bound up with the category religion to a degree that religious studies scholars, who have done significant work on the genealogy of religion, have not fully considered, especially within the context of American religious studies. This framing of good free religions versus bad unfree religions has deep genealogical roots in liberalism, as seen in European and Euro-American depictions of Protestantism as free and democratic, contrasted with restrictive, undemocratic, unfree religions like Catholicism and Islam. All four books demonstrate that the role of (good) religion in a secular society is closely tied to conceptions of both religion and society as free. Furthermore, they demonstrate the ways in which these conceptions function, but also to invite problematization of what “freedom” means in this scheme.

As these various approaches demonstrate, religious freedom remains central to American self-imagination. It is not surprising, then, that religious freedom has been employed in the service of American expansionist foreign policy. However, even as scholars of religion are increasingly interested in foreign relations (and vice versa), few have situated religious freedom in narratives of American imperial power. For this reason, Su’s Exporting Freedom makes a valuable contribution that opens avenues to further study of the economically, politically, and militarily strategic uses of religious freedom. Many scholars have studied the intellectual origins of religious freedom and human rights discourse, such as article 18 of the Universal Declaration of Human Rights (UDHR). Exporting Freedom is “an alternative history that views the modern international law on religious freedom as birthed by American power [that] offers at once both a complementary and a new vantage point into the genealogy of the laws governing religious freedom.”

freedom” (4). This history is legal as well as intellectual, more about political and military leaders than theologians. Promoters of religious freedom, including many of the “religion experts” discussed in Hurd’s book, celebrate the large number of nations around the world with religious freedom protections and constitutional provisions. It is worth considering, though, why many of those constitutions were written in the first place, and it is no coincidence that such settings included American military occupation.

Johnson’s work provides a framework for just that sort of consideration. From the outset Johnson, referencing the work of Orlando Patterson, argues that “the myth of freedom that swells the hearts of billions with pride and loyalty must give way under the lens of intellectual study of the reality of the institution of freedom (I mean this in the way that scholars understand slavery to be an institution)” (4). Institutions are often understood as static and long-lasting. Sometimes this is their defining characteristic, as when a decades-old bar is called a neighborhood institution. But institution is also an ongoing project. This lens enables an insightful reading of Su’s book, which focuses on the institution of religious freedom, understood as the process by which freedom is instituted. Freedom (religious and otherwise) exists neither statically nor naturally; it must be instituted. Scholars must do more to explain the complicated politics of power involved in American religious freedom. A crucial step forward will be to rethink freedom itself—the political economy of freedom, its presumed subjectivities, and its realities as a built and contested institution.

American politicians frequently assert that the United States is not an empire; instead, the nation is about freedom. Charges of imperialism can be preemptively rebuffed discursively (see, e.g., Operation Iraqi Freedom.) And of course Americans are free in plenty of ways, but, as discussed in the previous section, what exactly freedom means is rarely clear or consistent. “The visage of freedom,” Johnson writes, “has obscured the problem of empire and the thick linkage that binds freedom to its putative others—slavery and colonialism” (405). In other words, finding that the United States has freedom does not give us a pass from thinking about empire. Far from mutually exclusive, freedom and empire often are intimately entwined, as all four authors demonstrate. What are we to make, then, of a nation whose commitment to freedom, perhaps most notably religious freedom, coexists with a colonialist and imperialist past, present, and, in all likelihood, future? How can freedom coincide with oppression? This is where Johnson intervenes in the historiography of African American religious history and, by extension, American religious freedom: “The relationship between freedom and its others has to be explained instead of being dismissed as mere hypocrisy or contradiction” (5). Freedom and democracy, colonialism and slavery—all are central to the story of the United States and its religions. But how does that work?

Scholars in recent decades have begun to consider the relationship between religion and empire, particularly when tracking the colonialist history of our own discipline. Scholars like David Chidester have shown how the tradition of classifying religions—other, that is, lesser, religions—is deeply

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rooted in colonial encounter. For instance, many scholars have shown that categories of Indian religion, including “religion” itself, were constructed as a tool for colonial governance. Americanists have been comparatively slow to take up empire as an analytical tool. There are at least two reasons for this. First, as discussed above, many Americans, even scholars, are reluctant to think about US in terms of “empire.” After all, the United States is not Great Britain, whose dealings in India are often seen as quintessentially imperial. The US did nothing quite like that, thus it must be something other than an empire, or so one line of thinking goes. A second cause of Americanists’ reluctance might be their understanding of religion. Even if the US is an empire, what might that have to do with religion? A church history model dominated American religious studies since its inception and still maintains considerable influence. Missionaries are sometimes seen as forerunners of empire but not imperialists themselves, though there is a growing number of exceptions to this trend. If religious freedom is an institution, then it must be instituted, and that process cannot be cordoned off from politics, or from empire.

Su addresses empire directly, as each chapter analyzes a different development in the history of religious freedom, situating each in the context of American imperial power. The book begins with a discussion concerning the American intervention in the Philippines, moves through the League of Nations, laws of the Cold War period, the creation of the International Religious Freedom Act in 1998, and ends with a chapter on religious freedom in American-occupied Iraq. It is about, in short, the interwoven dynamics of the discourse of religious freedom into imperial politics. Su clarifies what she means by imperial: “In this book, imperial does not describe actions by a kind of political organization with a dominant center ruling over weaker territories. Instead it refers to a way of seeing the world from a position of power and acting accordingly. That is only conceivable within the particular context of unequal relationships in terms of the availability of various modes of political action” (5). In other words, to speak of imperialism is to invoke power.

In her analysis and critique of religion in international relations, Hurd shrewdly points out that the institution of religious freedom tends to benefit more powerful nations, particularly those with colonialist and imperialist pasts and presents. Hurd might spark some debate about whether policymakers and religion experts are “pure” in their intentions or if religious freedom is simply a cover for other agendas. But that would be needlessly reductive and would miss the more important point that American leaders and lawmakers generally have seen no contradiction between power and peace, believing the former leads to the latter. Many of Su’s subjects operated under this assumption. Woodrow Wilson, for example, advocated “liberal tolerance as a means of preserving peace” (57). Wilson’s tolerance stemmed from his own moral convictions and religious background, but it was also geopolitically useful, and there was no reason it could not be both. Amidst and after World War II, a more human-rights-based approach came to dominate, as evidenced by the oft-

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cited UDHR of 1948. But these choices, for American leaders like Franklin D. Roosevelt, were strategic too: “Religious freedom in these documents was not guaranteed, however,” Su writes, “out of any primary concern for individual welfare beyond the confines of the nation-state but was based on a prior belief that democratic orders that guarantee this liberty and many other liberties for its inhabitants would create a stable international system” (160).

The spread of religious liberty, now enshrined in modern national constitutions—even where the word “religion” does not quite translate—happened through international diplomacy, covert intelligence operations, and large-scale military occupations. The United States has developed legal and diplomatic incentives for nations to adopt religious freedom. In 1998, the US Congress passed the International Religious Freedom Act (IRFA), which Hurd and Su both discuss. In justifying the law, Congress found first that “the right to freedom of religion undergirds the very origin and existence of the United States” and that “freedom of religious belief and practice is a universal human right and fundamental freedom.” The law created two organizations, the Office on International Religious Freedom in the State Department and, second, an independent organization, the US Commission on International Religious Freedom (USCIRF), which produces an annual report detailing “countries of particular concern” (CPCs) in June 2004, largely due to its new constitution, the formation of which Su discusses at length in her sixth chapter. As Hurd summarizes, “Guarantees for religious freedom are a modern technique of governance, authorizing particular forms of politics and regulating the spaces in which people live out their religion in specific ways” (38). American power to enforce and promote freedom of religion affects not only geopolitics, but the lived realities of individuals, who are treated differently depending on their status as religious or not. In this way, the modern regime of religious freedom imposes on other nations an (Protestant) American model of religion—belief-centric, tolerant, good, and free.

Johnson explains the ways in which Black religions are formed in the crucible of colonial and imperial encounter, namely after African and European empires bought, sold, enslaved, and expanded to twentieth-century US suppression of Black Muslims. What it means to be free, as well as what it means to be religious—as opposed to superstitious, fetishistic, or heathen; to “have a religion” at all—is structured by circumstances of unequal power. This is not new. Johnson writes, “When the royal court of the Kongo Kingdom decided to adopt Christianity [in the late fifteenth century], it did so out of its own motivations for wealth and prestige and not under any compulsion of Europe [sic] colonialism. The Kongo Kingdom’s dealings with Lisbon were in every sense an affair between mutually sovereign states” (17). When the Kongolesse sold enslaved peoples to Europeans, it was a transaction between

imperial powers, between two sovereign Christian nations. One might be tempted, in an effort to correct conclusions some have drawn from the motif of “black selling blacks,” to deduce that these exchanges were not in fact “about race.” And, while in a certain sense that might be true, such a conclusion would profoundly misapprehend historical processes of racialization.

Race

In a book brimming with important historiographical and theoretical insight and interventions, perhaps Johnson’s most seminal contribution is his account of race and racialization in the formation of Black religion. Race is not primarily about phenotype, he contends. Rather, it is “a state practice of ruling people within a political order that perpetually places some within and others outside of the political community through which the constitution of the state is conceived” (394). Race cannot be discussed apart from state governance, colonialism, and empire because it does not exist apart from them. Religions were racialized and naturalized in this same way: “Because the empires of the Mediterranean world were grounded in religious genealogies – Christian and Islamicate empires – religion became a racial formation. For White Europeans, Christianity was an essentialist constitution that was ‘in the blood’ in both a literal and a figurative sense” (88). Johnson goes on to explain how African practices were explained as lesser, primitive religions or not as religions at all. If religions are racialized and nationalized, this has significant implications for the study of American religious freedom, and it is a theoretical starting point from which we can see privilege and suppression among various groups as their religious liberties are protected, or not, by the state. “The racial logic that emerged under European conquest over the Americas, Africa, and the ‘Orient’ fundamentally relied on geographical and cartographical methods to render human populations as people a different time (the backward races of primitivist discourse) and of particular lands (Black Africa),” Johnson writes (150). It is not hard to see how Hurd’s “good” and “bad” religions, as understood by American policymakers, work by a similar civilizationalist logic. Su’s Exporting Freedom tracks the change from American empire as an explicitly Christianizing project to a more general liberal one, and she emphasizes that there are real and substantial differences. With a focus on racialization, though, again we can see a familiar governing rationality undergirding American engagements and occupations one hundred years apart.

Su quotes Secretary of War Elihu Root’s explanation that Roman Catholicism and Spanish colonialism were partially to blame for the fact that “the Filipino,” a “half-civilized Oriental,” was “little advanced from pure savagery, in religion not far removed from fetishism, unable to read or write in any language, in political condition practically in a state of peonage, totally devoid of the most rudimentary idea of liberty or personal independence” (19). In his racist way, Root made an important point about the connections between colonialism, race, and freedom. Colonized peoples are often understood to have less capacity for freedom, due to some inherent cultural or even biological deficiency and/or the decaying effects of colonial governance. What is telling is that Root, like plenty of twenty-first-century American leaders, believed American intervention and its attendant good religion would be liberating, not colonizing. Intriguingly, at times such intervention must be self-consciously secular, and here we see how secularism is not the absence of religion but a strategy of governance by which
religion is regulated and managed. Iraq’s constitution, framed after American intervention, is secular, a measure intended to ensure religious freedom and stave off excessive Islamic influence or “Islamism.” President George W. Bush said, as a sort of hypothetical litmus test, “I’d like to be sure that if I came to Iraq as a Christian, I would be free to practice my religion” (153). For many in the U.S. government, Su surmises, “an Islamic democracy was a dangerous oxymoron” (155). As discussed above, these assumptions are not exclusive to foreign policy matters but built into models of good religion and freedom. As Johnson shows, these models have significant and lasting domestic effects, as US agencies like the FBI racialize Muslim populations as groups to be managed, to be internally colonized, by white Christian nations.

Whiteness is absent—or, more accurately, unmarked—in most studies of American religions and American religious freedom. Curtis’s The Production of American Religious Freedom is a fresh, smart, and much-needed exception to this rule, and this is one of many reasons that it is a rare book. At times (and in these times) it made sense to read it as a book primarily about white Christian nationalism. The middle four chapters—respectively on William Jennings Bryan, D.W. Griffith, Al Smith, and Malcolm X—detail each figure’s conceptions of race, religion, freedom, and nation. As briefly discussed above, Curtis deftly clarifies the connections between Bryan’s religious and political stances. Whiteness and Christianity formed the backbone of American identity. Bryan’s racism was effectively naturalized, even biological: he wrote, “Blood, if it be good, inspires one to great effort—if it be bad it may paralyze ambition and fix the boundary to one’s possibilities” (60). His anti-imperialism, including opposition to American colonialism in the Philippines, might seem at odds with his white nationalism. What made him different from Elihu Root? Curtis explains,

Along with southern populists, Bryan believed that the disenfranchisement of African Americans strengthened democratic government. He saw his defense of white supremacy as consistent with his critique of imperialism. Bryan’s call for an independent Philippines did not imply that he saw Filipinos as the equals of people of European descent. Rather, Filipinos should rule the Philippines, and Americans should govern the United States. Voters should represent the national character. In Bryan’s view, therefore, white supremacy was a means to preserve American national identity (65).

D.W. Griffith, the renowned filmmaker known for his The Birth of a Nation (1915), was also a white nationalist, but he did not use arguments so much as invoke the “aesthetic of freedom,” appealing to the “gut” of white Americans who felt they were losing their country. Here, Curtis includes a timely caution about populism, for “the people” are a “floating signifier”: “An underlying tension in populist rhetoric is revealed when American people see themselves the victims of the abuse of power by illegitimate interlopers (a designation that can include everything from Jews to immigrants to powerful corporate interests)” (71). Such populist sentiments, he adds, “especially those that imagine America as a white, Christian nation, can quickly swell in the face of the perceived loss of national integrity perpetuated by liberal reform that extends the benefits of American citizenship beyond the scope of the white household” (85–86).

No one made this critique of whiteness and freedom earlier or perhaps better than Black nationalists. While Curtis spends chapters analyzing the rhetoric and
politics of white nationalists, Johnson’s book complements it by devoting significant attention to Henry Bibb, Martin Delany, and other nineteenth-century activists who not only protested the Fugitive Slave Act (1850) and Dred Scott decision (1857) but understood their clear implication: the US is a White state. As demonstrated by Johnson, Delaney asserted that “the political condition of African Americans was irreducibly one of statelessness...The profundity of his analysis lay with the contention that Blacks, whether enslaved or free, occupied essentially the same status precisely because slavery was a form of racial rule” (228–229). Since race is a colonial relation, not a description of phenotypical difference, people of any pigmentation can be colonialists or colonized. In cases such as the Kongolese Kingdom or Liberia, the latter of which receives a full chapter from Johnson, African or African-descended people subjugated other people and colonized other lands. Significantly, the colonizers were Christians and, in the case of Liberia, funded largely by Whites and working explicitly in the name of freedom. Later Black thinkers, such as Marcus Garvey, Noble Drew Ali, and Malcolm X (el-Hajj Malik el-Shabazz) sought not only a pan-African Black nationalism but a religion to match it. Curtis’s chapter on Malcolm X examines his critique of White liberalism, particularly the charges that racial exclusivity could not be authentically religious. For Malcolm X, Curtis argues, “racial theology was not an eccentric feature of NOI. Race was a religious matter regardless of whether this was made explicit. This was as true for Christianity as it was for Islam” (117). Scholars of American religious freedom have devoted some attention to racial difference, especially in the case of Native Americans, who have brought a series of influential religion-clause Supreme Court cases. However, combining a more critical evaluation of processes of racialization, entwined with problematizations of freedom and colonialism, can open analytical avenues currently underexplored.

Conclusion

The study of American religious freedom is thriving, and the four books considered here should push our conversations in new and underexplored directions. While there is excellent and exciting work being done and yet to be done on interpretations of the First Amendment’s religion clauses, scholars of American religious freedom ought also to look outside that data set. These books make valuable contributions to our understanding of how American religious freedom works as a means of secular governance. It is a pliable concept that has been used in service of various projects. The power of religious freedom is apparent not only in high-profile Supreme Court cases, but in international law, foreign aid organizations, populist rhetoric, new religious imaginaries of freedom, military occupations, popular entertainment, well-funded think-tanks, and government surveillance programs. It is in these spaces—and many others—that religious freedom is defined, negotiated, and implemented. By analyzing religious freedom in its many constructions at various sites, the works considered herein should help scholars not just to answer questions but, perhaps even more importantly, to articulate new ones.