Culture War or Common Heritage? On Recent Critics of Global Religious Freedom

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In recent years, the principle of religious freedom has been drafted into America’s culture war. Partisans of religious freedom now vie against critics who view the principle as a mask for resisting progress, usually in matters of sexuality. These years are indeed recent, and beset with amnesia. Until yesterday, Americans regarded religious freedom as a common heritage, something that everyone teaches to their children as a foundational principle. Americans right and left have taken pride in being a home for religious minorities who were persecuted or rejected elsewhere: Mennonites, Mormons, Baptists, Jews, Huguenots, Catholics, Jehovah’s Witnesses, Amish, Quakers, Seventh Day Adventists, Scientologists, and even atheists.

Americans have been so confident that their experiment in religious freedom is a major historical achievement that they have sought to export it. As Anna Su documents in her insightful recent book, Exporting Freedom, President Franklin Roosevelt named religious freedom one of the four freedoms for which the United States fought in World War Two, while after the war, the United States pressed hard for its incorporation in the international human rights architecture.

Following the Cold War, the U.S. Congress required religious freedom to be a foreign policy aim by passing the International Religious Freedom Act in 1998. Congress acted on the urging of human rights advocates and diverse religious leaders who argue that religious freedom has become one of the most widely violated human rights in the world. More recently, the Obama administration established the Office of Religion and Global Affairs in the U.S. State Department to practice “religious engagement” around the world. Other Western democracies, including Canada, the United Kingdom, Austria, Germany, Italy, the Netherlands, and Norway as well as the European Union, have followed suit, adopting religious freedom and religious engagement into their foreign policies in one way or another (though Canada has recently reversed course).

Now, this global religious policy is being drawn into a culture war, too. A rising conglomerate of scholars charges that religious freedom is not to be seen as a tenet in the common “conscience of mankind,” to borrow the famous phrase of the Universal Declaration of Human Rights, but is rather a stratagem of the West in a global clash of civilizations.
Worse, they say, religious freedom is a projection of Western power that hardens divisions, exacerbates violence, and creates new forms of exclusion.

One of these scholars calls the West’s religious freedom advocacy an industry, but they are an industry, too, with a formidable product line: two Princeton University Press books; a University of Chicago Press collection of essays, *The Politics of Religious Freedom*, first published as an online forum at the website, *Immanent Frame*; a special issue of an academic journal; and a series of op-ed pieces.

The authors of the Princeton Press books, Elizabeth Shakman Hurd and Saba Mahmood, lead the effort, while the large group of scholars they have assembled is represented in the Chicago volume. Hurd, a political scientist at Northwestern University, is author of *The Politics of Secularism in International Relations*, an important book published by Princeton in 2007 that challenged the hegemony of secularism in international relations thought and foreign policy analysis. Now, in her new book, *Beyond Religious Freedom*, she argues that the broad world of “self-appointed public experts on religion” has extended itself too far in the other direction.

The religion industry, she explains, advocates and exports what it deems “good religion,” which begets peace, tolerance, conflict resolution, human rights, minority rights, and reconciliation, and combats what it renders “bad religion,” which foments intolerance, terrorism, and war. In Hurd’s argument, though, the industry turns out to be both presumptuous and parochial. In its cagerness to export good religion, it presumes that religion is a universal and timeless entity and that religious freedom is good for everyone, while in fact what it exports is one version of religion that was incubated in the Reformation and the Enlightenment and then foisted on the rest of the world through colonialism and imperialism. This religion is a Protestant religion of belief, stressing inward commitment and devaluing rituals, external structures, and hierarchies.

Promoted by scholars, policy institutes, and development officials, this version of religion, Hurd calls “expert religion.” Once it is embraced by governments and international organizations with money and militaries, it becomes “governed” religion. The problem, she says, is that this expert and governed religion does not comport with the “lived” religion experienced in everyday life in the non-Western countries that are pressured to import it. Lived religion is not a single, definable entity but is rather shifting, diverse, and often shaped through its interaction with expert religion.

Worse, Hurd argues, the West’s religion policy marginalizes and disempowers ways of life that don’t fit the expert definition of religion, deepens religious fault lines, foments conflict, and creates incentives for people on the ground to position themselves in response to the discourses and policies of the powerful exporters. A major source of the problem, she holds, is that the religion experts believe that bad religion is the sole source of problems like terrorism and violence and that good religion is the sole solution, while in fact both problems and solutions are multiplex. Hurd illustrates the ill effects of religion policy in sites ranging from the Western Sahara to Myanmar to Guatemala.

Mahmood, an anthropologist at the University of California, Berkeley, begins her book, *Religious Difference in a Secular Age*, by noticing the rise of violence between Muslims and Christians and harsh,
discriminatory treatment of Coptic Christians in Egypt in recent years. Against the standard account of this problem – Islam – Mahmood poses a different explanation: the secular state, whose origin is in the West. The secular state is a bundled package of five things: political and civil rights, religious liberty, public distinction between public and private. While the secular state arose to tame religion so that it would not be a source of oppression, exclusion, and violence, and while its characteristic ends are to establish religious freedom, equality for all religions, and minority rights, she argues, the secular state also manages and shapes religion, worsening religious divisions, “hardening interfaith boundaries and polarizing religious differences” and eliciting new forms of exclusion, hierarchies, inequality and difference. The secular state does not merely respond to or govern something that already exists but also shapes, transforms and produces.

In separate chapters, she argues that Western colonial powers introduced the secular state and religious minority rights to Egypt as instruments of control during the Ottoman period; that the problems that Coptic Christians face today result from this earlier imposition; that family law, which manifests a Western public-private distinction, breeds interreligious conflict and gender inequality; and that the oppression of Bahais, a tiny minority, can be attributed to the legal concept of public order, a product of secularism. A final chapter looks at how secularity in the form of a positivist view of history shaped the controversy among Christians and Muslims over a 2008 novel set in the early Christian church.

Hurd’s and Mahmood’s commitments and criticisms ring strikingly similar. Both books bear the footprints of the late French philosopher Michel Foucault on every page. Both authors also draw heavily upon the analysis of the contemporary anthropologist, Talal Asad, whom Foucault influenced in turn. From these fonts flow four tenets shared by Hurd and Mahmood.

The first is a characteristically postmodern rejection of universals. Both authors actively doubt what the human rights conventions assert: that religious freedom is a universal right, belonging to every human being and every religious community. There cannot be religious freedom because there is no such thing as religion. Hurd repeatedly offers statements like: “Neither religion nor religious freedom is a stable, fixed quantity”; and “there is no unitary and universal conception of religion.” Mahmood carries forth the view she propounded in The Politics of Religious Freedom, where she dismissed the “conventional wisdom” that “religious freedom is a universally valid principle.” In the current book, she avers that Article 18 of the Universal Declaration of Human Rights, setting forth religious freedom, enshrines a Protestant Christian notion of religion as conviction or belief.

The second tenet, also exuding Foucault, is that the promotion of religious freedom (or religious minority rights) is a projection of power. Hurd deploys Foucauldian language of power relentlessly. Religious freedom is a “[discourse] authorized by those in power”; “a modern technique of governance”; and “an agenda of surveillance” . . . “appropriated by worldly power holders.” In 172 pages of texts and notes, she uses the word “projects” (connoting efforts to wield power) 57 times, “discourses” (reflections of power) 59 times, and “marginalize” and “privilege” over and over again. Religious freedom is especially the “project” of the
United States, “where religion goes to be free.” Mahmood likewise writes of the “enmeshment” of religious liberty and minority rights “in histories of colonial rule and missionary campaigns as well as in ongoing projects of Western hegemony in Egypt.” She adds, “[i]n other words, Egypt’s differential sovereignty in relation to Western power crucially determines the meaning and praxis of these concepts.”

Their third shared tenet is that modern religious freedom and the notion of religion on which it is based are products of developments in Western history, especially the Protestant Reformation and the Enlightenment. Thus, for Hurd, “contemporary expert and official international religious freedom discourse presupposes a particular understanding of religion and the religious subject that emerged out of European Christianity and is not universal.” This is Asad’s story. In this time and place, “religion” was rendered a universal phenomenon for the first time in history. Again, it was a religion of belief. Such a religion had to be free because it was chosen inwardly and placed a premium on conscience. According to Hurd and Mahmood, though, it will seem foreign to an Eastern Christian or a Muslim.

Fourth and finally, each makes the normative judgment that the West ought not to export religious freedom (or religious minority rights). Hurd equivocates on the point. In her preface, she says that her intention is neither to judge religious freedom promoters nor to “minimize the tragic effects of violence, discrimination, and inequality.” Yet, she adds immediately that there is a “larger story” and a “different story” to be told that “undermines the assumption that the solution to dilemmas of governance lies in the globalization of freedom of religion, government engagement with faith communities, and legal protection for religious minorities.” As if “undermining the assumption” behind religion policy is not enough to raise doubts about her alleged non-judgmentalism, she beckons the reader to a “world beyond religious freedom.” She constantly says that religious freedom policy “excludes” and “marginalizes,” hardly neutral terms. In previous writings, she compared Western religious freedom policy with the Inquisition and the Islamic State.

Mahmood is also careful to say that she does not reject religious freedom, religious minority rights, or the secular state. But she has taken it upon herself to show the world that these principles and institutions are as much a part of the problem as they are of the solution. Today, as in yesteryear, Western hegemonic projects of spreading religious freedom and religious minority rights – now carried out by the U.S. State Department and evangelical Christians among others – serve to intensify inequalities and contribute to strife between religions.

If Hurd and Mahmood are right, then the rise of religion policy in the West – the promotion of religious freedom, religious minority rights, and religious forces that favor democracy, tolerance, peace, reconciliation, humanitarian aid, women’s rights and the like are misbegotten and ought to be abandoned. Are they right?

In their rejection of the universality of religious freedom and of religion, Hurd and Mahmood simply never offer an argument. Hurd asserts again and again that there is no such thing as religion in general; Hurd and Mahmood insist strenuously that religious rights are simply products of power. Neither, though, considers the arguments of those who have thought religion to be universal. Long before there was an Enlightenment,
philosophers ranging among Cicero, Augustine, Lactantius, Tertullian, and Thomas Aquinas thought that religion was a human phenomenon of which there were several varieties. More recent scholars have defended religion, too, for instance, philosophers like William Alston, John Finnis, Germain Grisez, Joseph Boyle, and Christopher Tollefsen.

While it is often thought that the field of religious studies has abandoned any universal concept of religion, one of the leading religious studies scholars, Martin Riesebrodt of the University of Chicago, offers a vigorous refutation of this view in his recent book, *The Promise of Salvation*, explaining where his colleagues have gone wrong, putting forth a conception of religion, and showing how numerous traditions fit the conception. One of Riesebrodt's most interesting arguments is that ancient Buddhism, Jainism, Sikhism, Daoism, and Shintoism all thought of themselves much like a religion in a world in which there are also other religions.

Numerous other scholars and arguments point the way towards religion's universality. To be sure, they have challengers. What is troubling, however, is that Hurd and Mahmood have nothing to say about this debate even while peremptorily dismissing the possibility that religion might be universal. Nor do they have anything to say about the numerous defenses of religious freedom across times and traditions.

Behind their lack of arguments is surely their view that putative universals mask power. Is contemporary religion policy simply a discourse of the powerful? This would come as quite a surprise to the laborers in what Hurd calls the religious freedom industry. True, religion has come to occupy a place in the foreign policies of Western democracies, while scholars and analysts have developed a literature on how prosocial religious forces can be encouraged. Is it an industry? A vibrant community of scholars of religion and international relations has arisen (to which Hurd has contributed greatly) but remains small in political science, sociology and religious studies, arguably smaller than today’s headlines warrant. Still less have religion specialists shaped the pursuit of any major interest on the part of the United States or its allies. Since the U.S. Congress passed the IRFA in 1998, religious freedom has been subordinated almost completely to other foreign policy goals like fighting terrorism and expanding trade, as one can readily see in policies towards Pakistan, China, India, and Saudi Arabia. Far from religion policy serving U.S. power and interests, this policy has been squelched by U.S. power and interests. Further, the officials who work for religious freedom spend much of their time reporting on and working on behalf of religious minorities who are beleaguered and marginalized – Bahais in Iran, Muslims in Gujurat, Christians in China, and Ahmadiyyas in Indonesia. How is U.S. power furthered by such efforts? The power argument is ultimately a non-sequitur. Because the U.S. is powerful and because religious freedom and is a historic American value, it does not follow that religious freedom is a tool of American power.

What of Hurd’s and Mahmood’s claim, derived from Asad, that religion as a universal phenomenon and the principle of religious freedom are products of modern Western history, particularly the Reformation and the Enlightenment? It does not stand up under scrutiny. Difficult for the Asad storyline to handle is the appearance of religious freedom – articulated as the equivalent of the modern human right – over a millennium prior to the Reformation in the writings of early
Christian thinkers like Tertullian and Lactantius, as Timothy Samuel Shah and Robert Wilken show in their chapters in a dynamic new pair of volumes on Christianity and Freedom.

Religious freedom has also found strong defense outside of Protestantism. The Catholic Church embraced the principle on the basis of reasons drawn neither from Protestant nor Enlightenment in its declaration of 1965, *Dignitatis Humanae*. The Quran contains the injunction, “there is no compulsion in religion,” which has formed the basis of a defense of religious freedom – though admittedly a minority one – over the course of the Islamic tradition, as scholar Yohanan Friedmann shows. There are Jewish defenses of religious freedom, too, such as that of scholar David Novak.

Problematic for Hurd and Mahmood, religious freedom cannot be equated with Enlightenment thought or with the West. Certainly, some Enlightenment thinkers like John Locke, or even more so, James Madison, advanced the cause of religious freedom. Other thinkers, including Thomas Hobbes, Voltaire, Denis Diderot, and Jean-Jacques Rousseau, however, were anything but friendly to religious freedom. Rousseau prescribed a civic religion and stipulated the death penalty for violating it. Diderot did not befriend religious freedom when he quipped, “[m]en will never be free until the last king is strangled with the entrails of the last priest.” Even Locke would not tolerate Catholics or atheists.

The French Revolution enacted Rousseau’s script. Although the Jacobins granted religious freedom to Protestant and Jewish individuals, it executed and exiled priests and nuns who refused to renounce their allegiance to the pope and conducted what is arguably the first modern genocide against Catholics in the Vendee region. The Revolution spawned republican movements that persecuted the Catholic Church in France, Italy, Spain, Mexico, and elsewhere in the late nineteenth and early twentieth centuries. In the 20th century, Nazism and Communism, both Western ideologies, ignited polices of religious eradication unmatched in previous history. The Catholic Church, representing the majority religion of Western Europe and Latin America, did not officially accept religious freedom until 1965.

To say that the West imposes a modern Christian principle of religious freedom on peoples outside the West, then, is anachronistic and historically unsound. Mahmood constructs a Western secular liberal state where sovereignty, religious freedom, and religious minority rights go together. But they do not go together. She is right that the modern sovereign state typically manages and often confines religion, but her bundling of the sovereign state with religious freedom and minority rights ignores the sovereign state’s vast history of brutally denying these rights.

Hurd’s and Mahmood’s mistake is an ironic one given that the mortal sin in post-modern thought is “essentialism” (i.e., rendering a diverse phenomenon monistic and uniform). Yet, both have portrayed the West as a realm of religious freedom and religious freedom as a product of the West, whereas the reality is far more diverse.

If the tenets behind Hurd’s and Mahmood’s analyses are problematic in all of these ways, then so, too, is the prescription that follows from them – that the West ought to dilute its promotion of religious freedom and religious minority rights. Both authors argue that Western efforts to spread religious freedom and
minority rights, whether in colonial or contemporary times, have made matters worse in the sites of export, contributing to inequalities, the hardening of conflictual religious identities, and even religious conflict.

This claim is a causal one, and both authors cite cases where they believe it pans out. In none of their cases, however, do they offer evidence of the sort that demonstrates cause and effect. Like their arguments about power, their claims here are largely ones of assertion.

Hurd, for example, looks at the case of Myanmar, where the government, dominated by Buddhists, has roundly mistreated the Rohingya minority, which is Muslim. She takes the “international community” to task for treating the case as if only religion is the problem and only religious freedom is the solution, explaining that discrimination against the Rohingya combines ethnic, racial, economic, and other factors. The international community’s monism, she charges, is self-fulfilling, playing into the hands of militant Buddhists and actually worsening the religious cleavage.

But who are the parties in the international community who pursued such a policy? Hurd offers no evidence that such a policy even exists. In a mere two sentences, she indicts “[m]ost international commentators” and “many journalists and academics” but offers no documentation of “most” or “many” except for a single BBC internet piece that does not even center on religion in its analysis. She cites the 2012 annual report of the U.S. International Religious Freedom Commission, which calls for religious freedom for the Rohingya Muslims, but this hardly amounts to a foreign policy of religious monism. The report in fact says that these Muslims “continued to experience the most severe forms of legal, economic, religious, educational, and social discrimination.” She offers no evidence that a Western state or an international body applied a policy that overstressed religious freedom or that worsened the conflict.

Mahmood similarly lays contemporary problems in Egypt – the plight of the Copts, the maltreatment of Bahais, regressive family law – at the doorstep of the secular state (with its five bundled features) that the British imposed in the nineteenth and early twentieth centuries. She offers only passing analysis, though, of two major alternative explanations for these problems. First is the massive resurgence in Islam and Islamism that took place in Egypt in the mid-twentieth century. It was in Egypt where the Muslim Brotherhood was founded, where Islamist father Sayyid Qutb lived, and where the government became more and more repressively Islamist in the early 1970s. Second is a repressive form of secular regime that was established under Nasser in the 1950s and whose essentials persists to this day. Combining secular and Islamist elements, Egypt’s government is one of the most religiously repressive in the entire world, according to the Pew Research Center. Such repression is far more readily linked to the problems that Mahmood adduces than is the form of polity introduced under colonialism.

Finally, many of the problems that Hurd and Mahmood cite turn out to involve a lack of religious freedom, not an imposition of it. That the rights of Bahais in Egypt are truncated by the principle of public order, that family law restricts marriage and conversion across religious boundaries, and that Copts are victims of violence and discrimination all involve direct curtailments of religious freedom, not applications of it. Hurd cites a
Western-inspired minority recognition scheme in Turkey as the problem behind the dolorous fate of the Alevis, whom the Turkish government refuses to recognize as a religious minority. Even were the Alevis to achieve recognition, as the European Court of Human Rights would like to see, Hurd contends, they would still be railroaded into being either a “minority” or “not a minority,” whereas in fact they are a complex and diverse tradition whose members ought to be left alone to define themselves. We may grant Hurd her argument about the rigidity of Turkey’s minority rights recognition regime, but does not this argument invoke the very principle of religious freedom? The principle of religious freedom demands that neither Alevis as a group nor any Alevi individual face discrimination or restriction in their expression and practice of faith, no matter how interstitial this faith is or unorthodox it may appear to some. Religious freedom prevents exactly the kind of marginalization that Hurd worries about. In the Turkish case, it probably means abolishing altogether the system of religious recognition and its attendant hierarchies.

Neither Hurd nor Mahmood, then, successfully demonstrates the dysfunctions of religious freedom or other religion policies. Neither in the end makes a case for why religious freedom should cease to be recognized as part of the common conscience of mankind or why the United States and its allies should refrain from promoting this human right wherever it is threatened.