

Religious freedom, American-style

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SUMMARY: 1. Introduction. – 2. The «first freedom»: American security and global spiritual health. – 3. The «first freedom»: American security and global spiritual health. – 4. Religious freedom and the «sectarianization» of the Arab spring. – 5. After religious freedom?

It is only when we know who the accused really is, that we can sentence him to death. It is only when we know how to rehabilitate, that we institutionalize people en masse in asylums and mental hospitals. It is only when we know that incapacitation works, that we systematize mass incarceration. In the field of crime and punishment, the moments of punitive excess are inextricably linked with moments of certitude. The critical task ahead is not simply to reveal «falsity» or even illusions in order to establish the truth, but to constantly challenge the crystallization and solidification of our own truth-telling.

BERNARD HARCOURT¹

1. Introduction

A great deal of certitude surrounds contemporary advocacy for international religious freedom. In the United States, religious freedom is often described as the «first freedom», a fundamental human right, and a *sine qua non* of modern democratic politics, if not of civilization itself. Americans, we are told, invented and perfected religious freedom. It is ready for export. Today, a rapidly escalating number of international authorities are promoting religious freedom as a foreign policy objective. The United States is leading the charge. Legal guarantees of religious freedom are embedded as riders in trade agreements, in aid packages, and in

¹ B.E. HARCOURT, *Radical Thought from Marx, Nietzsche, and Freud, through Foucault, to the Present: Comments on Seven Lukes' 'In Defense of False Consciousness*, in «University of Chicago Department of Political Science Working Paper Series», July 2011, pp. 17-18.

humanitarian projects. Diplomats are instructed in how to persuade their counterparts to safeguard religious freedom. Foreign policy establishments, as well as the EU and the UN, are formalizing its promotion.

This essay is divided into two parts. It begins with an introduction to the 1998 U.S. International Religious Freedom Act (IRFA) and the bureaucratic and administrative structures it created. This programming is the latest installment in a history of U.S. attempts to promote American strategic interests through social and religious engineering projects abroad. During the Cold War the U.S. sought to secure «global spiritual health». Today it promotes religious freedom.

The second section analyzes the political consequences of employing the discourse of religious freedom in a specific context. It explores responses to the «Arab spring» and the conflict in Syria that emphasize the dangers of Christian persecution. In foregrounding religion over other social ties, this response lends itself to interpretations of the Syrian conflict as a sectarian war in which the rights of Syrian Christians will be threatened by the political empowerment of a Sunni majority. I suggest that relying on *religion* as a policy category obscures complex causal factors on the ground, and, by reducing conflict to «religious» warfare, makes it more difficult to respond intelligently to the causes of the violence in Syria.

This leads to a series of questions, raised preliminarily here but explored in more detail elsewhere². Is it possible to be skeptical of the promise of contemporary religious freedom, while also opposing all forms of religious persecution? If religious freedom is not the answer, are there other possibilities for living together across deep lines of social and religious difference? Where might one look to find peaceful co-existence being imagined without religious freedom as commonly understood today?

2. *The «first freedom»: American security and global spiritual health*

The Ethics and Public Policy Center's American Religious Freedom Program offers a typical account of religious freedom, American-style:

² See *The politics of religious freedom* series on *The Immanent Frame* (TIF), the Social Science Research Council's online discussion forum on religion and the public sphere, which explores these possibilities in more depth and breadth. The series addresses the multiple histories and genealogies of religious freedom and the contexts in which these histories and genealogies are salient today. See <http://blogs.ssrc.org/tif/the-politics-of-religious-freedom/>. It is part of a joint research project, *The Politics of Religious Freedom: Contested Norms and Local Practices* (<http://politics-of-religious-freedom.berkeley.edu>).

Through its exemplary history of affording robust religious freedoms to all persons, America has preserved national unity and avoided the religious divisions and violent religious conflicts that have plagued peoples and nations throughout the ages and across the globe. An increasingly diverse America continues to avoid such conflicts and to thrive. It does so due in no small part to our religious and other First Amendment rights and freedoms³.

The Hudson Institute, a Washington think tank that promotes «global security, prosperity, and freedom» connects this exemplary U.S. history to the legitimacy of the War on Terror: «since 9/11, the link between our own security and freedom, between our national interests and our ideals, has never been clearer. Winning the War on Terror turns on the battle of ideas and at its heart is the principle of religious freedom»⁴. Former Vice-Chair of the U.S. Commission on International Religious Freedom (USCIRF) and advocate for persecuted Christians Nina Shea has observed that «I believe that religious freedom is universal [...] but at the same time I find that religious freedom is only fully understood in this country, not even in the west, but in this country»⁵.

Since the passage of the 1998 International Religious Freedom Act (IRFA), and as a result of the lobbying of Shea and like-minded colleagues, the United States has led the way among states in institutionalizing the protection and promotion of religious freedom internationally⁶. According to the 1998 legislation, it shall be the policy of the United States:

- 1) To condemn violations of religious freedom, and to promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion;
- 2) To seek to channel United States security and development assistance to governments other than those found to be engaged in gross violations of the right to freedom of religion, as set forth in the Foreign Assistance Act of 1961, in the H.R. 2431-4 International Financial Institutions Act of 1977, and in other formulations of United States human rights policy;
- 3) To be vigorous and flexible, reflecting both the unwavering commitment of the United States to religious freedom and the desire of the United States for the most effective and principled response, in light of the range of violations of religious freedom by a variety of persecuting regimes, and the status of the relations of the United States with different nations;

³ <http://www.religiousfreedom.org/about%5Fus/>.

⁴ <http://crf.hudson.org/index.cfm?fuseaction=mission>.

⁵ Cited in L. COZAD, *The United States' Imposition of Religious Freedom: The International Religious Freedom Act and India*, in «India Review, 4, 2005, 1, p. 79.

⁶ The protection of religious freedom as an international human right was first articulated in its current form in Article 18 of the 1948 Universal Declaration of Human Rights: «Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance».

4) To work with foreign governments that affirm and protect religious freedom, in order to develop multilateral documents and initiatives to combat violations of religious freedom and promote the right to religious freedom abroad;

5) Standing for liberty and standing with the persecuted, to use and implement appropriate tools in the United States foreign policy apparatus, including diplomatic, political, commercial, charitable, educational, and cultural channels, to promote respect for religious freedom by all governments and peoples⁷.

IRFA established three cooperative entities for monitoring and responding to religious persecution abroad: a bipartisan United States Commission on International Religious Freedom, a U.S. Ambassador-at-Large for International Religious Freedom, and a Special Advisor on International Religious Freedom within the National Security Council. The Office on International Religious Freedom in the State Department is headed by the Ambassador-at-Large for International Religious Freedom, who is appointed by the President. The State Department office is required to prepare an annual report to be submitted on September first of each year on the status of religious freedom in each of the 195 countries of the world with the exception of the United States⁸. The authority to designate countries as «Countries of particular concern» (CPCs) is delegated to the Secretary of State. The State Department office also organizes meetings with foreign government officials, testimony before Congress, and outreach programs to American religious communities. Some of these duties, and other new ones, will be assumed by the State Departments Office of Faith-based Community Initiatives, launched in August 2013 with a mandate to formalize U.S. relations with the global faith community and foreign religious leaders⁹.

The 1998 legislation also created an independent watchdog agency, the U.S. Commission on International Religious Freedom (USCIRF), to oversee implementation of the Act. USCIRF is a bipartisan commission comprised of nine unpaid commissioners tasked with monitoring the implementation of the Act and the status of religious freedom abroad. Three Commissioners are selected by the President, two by the leaders of the President's party in Congress, and four by the congressional leaders of the party not in the White House. Commissioners are appointed for two-year terms, and are eligible for reappointment for up to two terms. The legislation requires that commissioners be «distinguished individuals noted for their knowledge and experience in fields relevant to the issue of international religious freedom, including foreign affairs, direct

⁷ *International Religious Freedom Act of 1998*, HR 2431, 105th Cong., 2nd Sess. (1998).

⁸ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

⁹ <http://www.state.gov/s/fbci/v>. See also: <https://bit.ly/6EVfaO>.

experience abroad, human rights, and international law»¹⁰. The Commission provides policy recommendations to the President, Secretary of State and Congress, which are presented in an annual report¹¹. USCIRF is responsible for recommending to the President that particular countries be designated as «Countries of Particular Concern» (or CPCs). In 2012, USCIRF recommended that the following countries be designated as CPCs: Burma, China, Egypt, Eritrea, Iran, Iraq, Nigeria, North Korea, Pakistan, Saudi Arabia, Sudan, Tajikistan, Turkey, Turkmenistan, Uzbekistan, and Vietnam.

USCIRF has been plagued with political and legal challenges, including a lawsuit filed in 2012 claiming that the Commission discriminated in hiring on the basis of religion. As «The Washington Post» reported, «The allegations in the suit are the most explicit in a years-long series of allegations that commission leaders are biased against Muslims, specifically people associated with groups critical of U.S. foreign policy and who work for groups that fight anti-Muslim discrimination»¹².

IRFA also created the position of Special Adviser on International Religious Freedom at the National Security Council, though it is unclear whether this position has ever been filled. Religious freedom is also addressed in religion-related training conducted by the Foreign Service Institute (FSI), and has been institutionalized on Capitol Hill through a Congressional International Religious Freedom Working Group which was founded in 2006¹³.

Those charged with implementing IRFA are required to identify which forms of religion abroad should be legally protected and promoted, to seek out benevolent religious actors and institutions, and to advise the executive branch on steps to economically and politically reward states who support these standards and forms of religion and punish those who do not. The latter is accomplished in part by designating wayward

¹⁰ <http://www.uscirf.gov/about-uscirf/frequently-asked-questions.html>.

¹¹ The 2013 annual report is available on USCIRF's website: <http://www.uscirf.gov/reports-and-briefs/annual-report/3988-2013-annual-report.html>.

¹² M. BOORSTEIN, *Federal Lawsuit Charges Religious Freedom Commission with Discriminating against Muslims*, in «The Washington Post», *Under God* blog, June 11, 2012, (<http://religionclause.blogspot.com/2012/06/lawsuit-against-uscirf-claims-anti.html>). For details on the lawsuit see E.S. HURD, *Muslims Need Not Apply*, in «The Boston Review», Jan. 24, 2012, <http://bit.ly/Vm0Tng>.

¹³ «The Working Group's central initiative is a bipartisan monthly meeting which facilitates networking between non-profit advocacy groups and policymakers and lectures on domestic and international religious freedom issues. In addition, the caucus sponsors Religious Freedom Day on Capitol Hill. Congressmen Trent Franks and Emanuel Cleaver II are the founders (with then-Senator Rick Santorum) and current co-chairs of the caucus». <http://berkeleycenter.georgetown.edu/resources/programs/congressional-international-religious-freedom-caucus>.

countries as «CPCs» and through a range of other presidential actions ranging in severity from a private demarche to economic sanctions¹⁴. The President may waive the application of the Act if «the important national interest of the United States requires the exercise of such waiver authority» (Sec. 407), as is deemed to be the case with Saudi Arabia, for example. United States mission personnel are required to «seek out and maintain contacts with religious and human rights nongovernmental organizations, with the consent of those organizations, including receiving reports and updates from such organizations and, when appropriate, investigating such reports». American diplomatic missions are required to develop a strategy for the promotion of religious freedom in countries that violate the standard and to allocate funds to «programs and candidates deemed to assist in the promotion of religious freedom».

The State Department has been legally mandated to promote religious freedom overseas for fifteen years. To the extent that Americans are aware of these activities – and most are not – they are legitimized through a combination of universal human rights and an idealized version of American history that posits the United States as exceptionally committed to religious freedom due to its unique political and religious history¹⁵. In the words of the State Department,

when we strive to advance religious freedom, we are simply urging other nations to join with us in upholding a high but universal standard. In addition, respect for religious freedom and tolerance of the practices and beliefs of people of all faiths lie at the heart of the American identity and constitute some of main principles on which this country was founded. The United States has continued to attract new citizens from all over the world for this very reason¹⁶.

These U.S. efforts reflect and reproduce a long-standing American prophetic tradition in which, as Talal Asad argues, «democracy» and «human rights» are «integral to the universalizing moral project of America – the project of redeeming the world – and an important part

¹⁴ For a list of possible presidential actions, ranging from a private demarche, to the suspension of United States development and/or military assistance, to directing the United States executive directors of international financial institutions to oppose and vote against loans primarily benefiting the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations see Sec. 405 of the Act.

¹⁵ See *Thames, Seiple & Rowe* (2009: 113) for the observation that the United States has a unique and exemplary history resulting in an exceptional commitment to religious freedom.

¹⁶ <http://www.state.gov/j/drl/irf/c13003.htm>.

of the way America sees itself»¹⁷. IRFA is part of «America's narrative of redemption that is being applied globally»¹⁸.

Religious freedom advocacy is understood in this case as a series of obligations owed by a privileged subset of the world's population (often Americans and Europeans) to those who do not enjoy state protection of the individual's right to believe or not to believe¹⁹. This storyline taps into an impressive assemblage of discourses and constituencies that ensures its broad appeal. These includes liberal legal internationalists and human rights advocates who stand for individual rights and freedom of choice, advocacy groups for whom some form of Christianity serves as the foundation of human rights, democracy and freedom, American nationalists for whom the «city on a hill» narrative presupposed by these projects resonates with long-standing ideals of American exceptionalism and the sacralization of the American national project, and missionaries for whom religious liberalization signals an openness to their missions that may not have existed, or was felt and framed differently, in earlier times.

It is this combination of forces – and not only evangelical lobbying – that propels these initiatives forward. National security hawks, human rights activists, advocates of persecuted Christians, and other constituencies all stand in support of religious freedom. This helps to explain the degree of certitude that surrounds these projects. At the same time, the United States is – and in some existential sense must remain – exempt from scrutiny. The United States is untouchable because it has already achieved religious freedom. Human rights advocacy aimed at the center is either unthinkable, or it is seen as an act of defiling²⁰.

IRFA is the latest in a series of attempts by the U.S. government to position the United States as the guardian of global security and spirituality. U.S. efforts to promote religious freedom tap into a robust American self-understanding that positions the United States as the leader of the free world and the world's greatest champion of free religion²¹. These initiatives promote the free exercise of religion abroad, cultivate tolerant and moderate foreign religious subjects, and work to marginalize

¹⁷ T. ASAD, *What Do Human Rights Do? An Anthropological Enquiry*, in «Theory & Event», 4, 2000, 4, http://muse.jhu.edu/journals/theory_and_event/v004/4.4asad.html.

¹⁸ T. ASAD, *Formations of the Secular: Christianity, Islam, Modernity*, Stanford, Stanford University Press, 2003, p. 147, n. 16.

¹⁹ See further E. S. HURD, *Believing in Religious Freedom*, in W. FALLERS SULLIVAN, E. SHAKMAN HURD, S. MAHMOOD, P.G. DANCHIN, *Politics of Religious Freedom*, Chicago, University of Chicago Press, forthcoming 2015..

²⁰ C. BENDER, *Workshop on Human Rights Pragmatism*, Columbia University, November 11, 2011.

²¹ J.P. HERZOG, *Spiritual-Industrial Complex*, New York, Oxford University Press, 2011, p. 127.

whomever is defined as a political (i.e. communist) or religious (i.e. radical Islamist) threat to U.S. interests. IRFA is the latest expression of a long-standing American nationalist narrative in which a state-sponsored commitment to free and healthy religion is seen as benefitting not only Americans but also the rest of the world, by saving them from religious and political tyranny.

Twenty-first century American efforts to bring religious toleration and freedom to other countries are explicitly modeled on U.S. Cold War strategies to combat secularism and communism. According to David Kaplan,

in crafting their strategy, U.S. officials are taking pages from the Cold War playbook of divide and conquer. One of the era's great successes was how Washington helped break off moderate socialists from hard-core Communists overseas. «That's how we're thinking [...]. It's something we talk about all the time», says Peter Rodman, a longtime aide to Henry Kissinger and now the Pentagon's assistant secretary of defense for international security affairs. «In those days, it was covert. Now, it's more open»²².

IRFA is at the center of U.S. efforts to «break off moderate religionists from hard-core religionists overseas». It authorizes American intervention in the religious landscapes of other countries to sanction forms of religion, religious subjects and state religious administration that align with U.S. political, economic, and strategic interests.

The next section examines some of the consequences of framing social difference through the prism of religious rights and freedoms.

4. *Religious freedom and the «sectarianization» of the Arab spring*

This section examines the consequences of focusing on religious freedom and persecution as the primary lens through which to respond to the political transformations often referred to as the Arab spring. It explores what could be described as the «political effectivity» of religious freedom discourse. In other words, how does this discourse shape the world in which it intervenes?

Calls for the protection of persecuted Christians in Syria and around the Middle East have been a cornerstone of U.S. religious freedom advocacy in the wake of the revolts in the region. There is understandable concern in Washington, as there is in Europe and elsewhere, regarding the plight of Christian minorities in the region. «USA Today» has reported that Joe Eibner, CEO of California-based Christian Solidarity Interna-

²² D.E. KAPLAN, *Hearts, Minds, and Dollars*, in «U.S. News & World Report», April 17, 2005, http://www.usnews.com/usnews/news/articles/050425/25roots_6.htm.

tional has lobbied President Obama to urge UN Secretary General Ban Ki-moon to declare a genocide warning for Christians across the Middle East. Howard Berman of the U.S. House Foreign Affairs Committee has stated that the future of minorities is «on our agenda as we figure out how to help these countries» and their treatment of Christians and other minorities is a «‘red line’ that will affect future aid»²³. Habib Malik of Lebanese American University has called for Western nations to stand up for the rights of Christians, who he says may be cleansed from lands where democratic elections are used to oppress minorities rather than empower them. While this must be done «in a way that is not misperceived on the other end», stated Malik, «the West should not be cowed». «USA Today» has reported that according to Christian rights groups, «Christians in Syria, where Muslims have risen up against President Bashar Assad, have been subjected to murder, rape and kidnappings in Damascus and rebellious towns».

In April 2013 USCIRF issued a report calling for U.S. efforts to protect and promote religious freedom in Syria that calls for funding «projects that promote multireligious and multi-ethnic efforts to encourage religious tolerance and understanding, foster knowledge of and respect for universal human rights standards, and develop the political ability of religious minorities to organize themselves»²⁴. A «New York Times» story on sectarianism in Syria quoted Rev. Bernardo Cervellera, the editor-in-chief of the Catholic news agency «AsiaNews»: «Christians are all saying that Syria risks becoming the new Iraq, a country divided among ethnic and religious lines where there is no place for Christians». Syria, while not a democracy, he concluded, «at least protects them»²⁵.

What are the consequences of foregrounding *religion* and its affiliates religious persecution, sectarianism, identity, and freedom, when responding to the war in Syria?

For decades, the Assads have relied on the threat of sectarian anarchy lurking just below the surface to justify their autocratic rule, ruthlessly oppressing all opponents regardless of religious affiliation. When advocates for religious rights and freedoms rely on a sectarianized account of the war it reinforces the regime’s framing of the conflict, pitting Sunnis against

²³ O. DORELL and S. LYNCH, *Christians fear losing freedoms in Arab Spring movement*, in «USA Today», January 31, 2012, <http://usatoday30.usatoday.com/news/religion/story/2012-01-30/arab-spring-christians/52894182/1> (all citations in this paragraph are from this article).

²⁴ U.S. Commission on International Religious Freedom, *Protecting and Promoting Religious Freedom in Syria*, (April 2013). [http://www.uscifr.gov/images/Syria%20Report%20April%202013\(1\).pdf](http://www.uscifr.gov/images/Syria%20Report%20April%202013(1).pdf).

²⁵ T. ARANGO, *Syria’s Sectarian Fears Keep Region on Edge*, in «The New York Times», February 28, 2012, http://www.nytimes.com/2012/02/29/world/middleeast/syria-crisis-highlights-paradoxes-of-assad-support.html?pagewanted=all&%20r=0&_r=1&.

Alawites and their Shiite allies. It energizes divides between Christian, Alawis and Sunnis. It brings these identities to the surface, accentuates, and aggravates them. Viewing the conflict through the prism of *religious* freedom and persecution obscures the original objectives of the uprising in Syria – calls for justice, accountability, good governance, and economic opportunity. Syrians mobilized against Assad for reasons that were not sectarian. The goal of the opposition, including the (now marginalized) nonviolent opposition, was to stop the state's brutal treatment and exploitation of the Syrian people. Syrians did not take to the streets in order to realize a Sunni takeover of the Syrian state. As in Egypt, Bahrain, Libya, and Tunisia, the revolt in Syria has complex roots in economic grievances, social injustice, and everyday oppression.

This complex history is lost from sight when religious difference becomes the primary lens through which the conflict is framed. Many Syrians, like people everywhere, hold multiple allegiances, celebrate diverse traditions, are of mixed backgrounds, and do not fit into the clean rubrics of religious identity demanded by the advocates of religious freedom. Left out in the cold, these «in-between» individuals find themselves in the impossible position of having to make political claims on religious grounds, or having no grounds from which to speak²⁶. Dissenters, doubters, and families that include multiple religious affiliations are pressured or compelled to choose a side in the conflict. This imperative compels individuals and groups to define their identities in religious terms: «are you this *or* are you that?».

Sectarianism is not the natural outcome of intractable religiosity. Sectarianism is about politics. As Yaman Salahi has observed, «religiosity is not a prerequisite to today's sectarianism (if it ever was), as even those who never fast or pray will not hesitate to indulge in it»²⁷. Reports from the International Crisis Group (ICG) attest to the complex dynamics of the war in Syria, including numerous actions by individuals and groups that defy presumed sectarian lines of affiliation. The ICG describes individuals from differing ethnic and religious backgrounds attempting to meet the everyday humanitarian needs of fellow citizens in extraordinarily difficult circumstances²⁸. A BBC documentary following the lives of five Syrian women on different sides of the conflict offers a similar message, showing that the lines of the conflict are drawn not based only on sectar-

²⁶ E.A. CASTELLI, *Theologizing Human Rights: Christian Activism and the Limits of Religious Freedom*, in *Non-Governmental Politics*, edited by M. FEHER, G. KRİKORIAN and Y. MCKEE, New York, Zone Books, 2007, p. 684.

²⁷ <http://www.aljazeera.com/indepth/opinion/2013/02/2013225165410892976.html>.

²⁸ *Syria's Mutating Conflict*, in «Middle East Report», No. 128, 1 Aug. 2012. [http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Syria/128-syrias-mutating-conflict.pdf](http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Syria/128-syrias-mutating-conflict.pdf).

ian affiliation but on a complex mix of factors including personal history, employment background, geographical location, family situations, and past experience with the regime²⁹.

To call a conflict «sectarian» is to single out religious difference from among the many salient aspects of human identity and hoist it above all the others as the factor that determines political outcomes. It is to presume that religious identities are fixed and immutable, with bright lines between groups – even though identities are often much more fluid. Framing the conflict as a problem of religious difference – to be addressed in part through legal guarantees for religious rights and freedoms – conceals the ways in which social divisions cut across sectarian divides. It obscures the ways forward when the focus is not on beliefs or communities of believers, but on shared human needs and visions.

5. *After religious freedom?*

The promotion of religious freedom is more complex than accounts that tell of the progressive dissemination of a universal norm and American or European legal standard would suggest. In positing the primacy of *religious* identity and difference over other social, political and economic ties and affiliations, international religious freedom advocacy accentuates and rigidifies religious divisions, making them more politically salient – and potentially more socially divisive. As a discursive framework and a language of political action, advocacy for religious freedom obfuscates complex political realities and obscures diverse and multiform religious affiliations and practices.

Is there an alternative? One possibility is to explore alternate conceptions of freedom and rights that do not rely on religion as a category in law and public policy. Foucault's conceptualization of freedom offers a point of departure. As Connolly explains, for Foucault freedom is «not reducible to the freedom of subjects; it is at least partly the release of that which does not fit into the molds of subjectivity and normalization». This requires a «conception of rights attached not to the self as subject, but especially to that which is defined by the normalized subject as otherness, as deviating from or falling below or failing to live up to the standards of subjectivity»³⁰. Under an agonistic conception of rights, freedom takes shape as a transitory, shifting site of resistance and mode of insurrection, rather than a form of discipline imposed by the authorities. It is not some-

²⁹ *Inside Syria – Syrian Diaries*, BBC Documentary, <https://www.youtube.com/watch?v=cIke4E1AgsY>.

³⁰ W.E. CONNOLLY, «*Taylor, Foucault, and Otherness*», in «*Political Theory*», 13, 1985, p. 371.

thing that can be enforced from above, but is attached to that which is defined as other, unorthodox, dissenting, or «minoritarian».

This approach to freedom resonates with William James' concept of anarchical or willful individuality. In political theorist Alexander Livingston's reading of James, freedom is located in the arc of critically negotiating norms imposed by the authorities³¹. This Jamesian political ethos links multiple sites in different jurisdictions in a network of struggles and actions. Local energies do not coalesce into a coherent, unitary package. There is no single politics or prescriptive program, no larger unity that gathers up all lived experience into a neat and tidy whole³². There is no consensus waiting to be settled on, if only the obstinate would back down, and dissenters play by the rules. There is instead what Deleuze describes as a «nomadic anti-authoritarianism» and an «agonistic engagement with power» that is always situated in local micropolitics³³.

Contemporary religious freedom advocacy operates on a different set of assumptions. It presumes a conception of rights that is attached to the individual religious subject as defined by the state. It structures fields of political and legal possibility in which individuals and groups are identified in religious terms and compelled to make political claims on religious grounds. In positing religion as prior to other identities and affiliations, it underwrites sectarian rules of being and belonging. This may help to explain Talal Asad's contention that «the modern *idea* of religious belief (protected as an individual right) is a function of the secular state but not of democratic sensibility»³⁴.

³¹ A. LIVINGSTON, *The Anarchist Vision of William James*, Lecture, Northwestern University, October 2012.

³² Here James is criticizing the tendency of what he describes as «monistic ontological narcissism» to alienate lived experience. *Ibid.*

³³ For a related discussion of the perils of «global civil society», see F. DEVJI, *Politics dies in the Pamirs*, in «Current Intelligence», August 24, 2012, <http://www.currentintelligence.net/analysis/2012/8/24/politics-dies-in-the-pamirs.html>.

³⁴ T. ASAD, *Thinking about Religion, Belief and Politics*, in *The Cambridge Companion to Religious Studies*, edited by R. ORSI, Cambridge, Cambridge University Press, 2012, p. 57.