Introduction

Freedom is hard to bear.
—James Baldwin

Americans are a people captivated by freedom. Few agree, however, about what freedom means. At times, freedom challenges injustice. At other times, freedom justifies the way things are. Freedom fights for the laborer and defends corporations from regulation. Freedom protects the traditional family and protests against sexual restrictions. Freedom decries discrimination and insists that none exists. Freedom invites foreigners to American shores and restricts their entry. Freedom longs for a Christian nation and welcomes religious diversity. Freedom calls for more and less government. Freedom is cherished by sinners and saints, immigrants and nativists, slaves and slaveholders, corporations and employees.

Many see in freedom the promise of liberation from rules and regulations, a protection of individual rights from state power. A free person is someone left alone by the state. Citizens who seek to be left alone also leave alone structural inequalities in American life. Those who defend individual rights accept persistent inequality as part of a free society. Wrestling with the vexed relationship between freedom and equality, those propagating liberal views of freedom broadened their interpretation over the nineteenth and twentieth centuries to address the practical distribution of social, economic, and political power.¹ This led to what John Dewey described as the “inner split” within liberalism.² This inner split marked the fault line between proponents of limiting freedom to formal protection of rights and advocates for substantive equality who argued for more expansive conceptions of the public good.³

When it comes to religion, substantive critiques of inequality have been less visible. Popular and scholarly narratives have often imagined that American religious freedom protects individual choices in a mar-
ketplace. Writing in the nineteenth century, for example, the French tourist Alexis de Tocqueville attributed the persistent strength of religion in the United States to the principle of voluntarism resulting from the separation of church and state. Religiosity flourished when citizens were free to choose their own religious loyalties. While not always sharing Tocqueville’s political views, 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.

This book argues that there is no such thing as religious freedom, or at least no one thing. Religious freedom is a malleable rhetoric employed for a variety of purposes. Part of the reason for this malleability is that religious identities are themselves produced in response to social and political contests. Without conflict among political actors, there would be no need to define a discreet area of social life called religion and then insist that it should be protected. Conflict is not what happens when already formed religions bump into each other in public life; conflict makes religions.

One response to social contests is to make religion into a form of private property possessed by an interior self that requires protection. Interior religiosity focuses attention on individual freedom to deflect attention from the distribution of power among persons, families, legislatures, courts, corporations, and religious organizations. Appeals to the sanctity of private property, for example, have been ubiquitous in everything from defenses of slavery to protests against regulations of corporations. In the fluid relationship between property and persons, corporate personhood has often found legal protections that have eluded human beings.

The centrality of individual voluntarism is also in tension with the practical role played by regional, racial, ethnic, class, and sexual identities in shaping religious adherence. This is not to say that these diverse forms of identification are any less malleable than religion. It is to say that the rhetoric of freedom often produces persons loyal to groups pursuing imagined collective interests. These groups have supported and opposed social inequality. At times, religious commitments have fueled public engagement with movements that worked to fight perceived social injustices. At other times, religious freedom advocates have attacked public institutions as enemies of individual liberty and have strengthened private forms of institutional power.
That religion is an interior, individual concern in need of political and legal safeguards is part of American common sense. This book argues that logic of the commonsensical equation between religion and privacy is itself a product of a political economy. By “economy,” I have in mind something broader than financial transactions. Expanding on the classical sense of economy as household administration, this book analyzes governance in a self-governing nation. An economy of religious freedom addresses institutional forces that define, produce, and distribute contested social resources in American life. This economy does not provide options for already formed citizens; it produces persons who make choices about how to govern themselves. The peculiar features of self-government encompass regulatory forces as well as resistance to dominant forms of governance. An economic analysis measures this push and pull, the contests over the production and distribution of power.

Considering the work it takes to produce religious freedom requires a different analysis from measuring how consumer demands are met by ever expanding free markets. The tendency to equate economic production with limitless expansion and growth testifies to the role that capitalism has played in defining the American economic imagination. This is especially evident when free markets are portrayed as politically neutral institutions. As Lisa Duggan explains, “The most successful ruse of neoliberal dominance in both global and domestic affairs is the definition of economic policy as primarily a matter of neutral, technical expertise. This expertise is then separated from politics and culture, and not properly subject to specifically political accountability or cultural critique.”

To understand contests over the production of religious freedom within political institutions, the book begins in the nineteenth century with the famed revivalist Charles Grandison Finney. Stressing human agency in promoting revivals, Finney appears as a skilled religious entrepreneur willing to meet consumer demands. Far from giving people what they wanted, however, Finney used emotional and social pressure to discipline subjects who would form a Christian society. Images of a sentimental Christian order also informed the economic visions of the novelist Louisa May Alcott and the populist crusader William Jennings Bryan, both of whom saw capitalist wage labor as an alienating force that eroded social bonds between human beings. While Alcott and Bryan
believed that better working conditions could foster solidarity, they disagreed about who would be included in their idealized social worlds. Alcott labored to overcome social divisions, whereas Bryan yearned for a white Christian nation. Like Bryan, the filmmaker D. W. Griffith drew on white populism to craft a religiously and racially exclusive body politic. Unlike Bryan, Griffith saw violence as the necessary means to protect Christian freedom.

In the nineteenth and twentieth centuries, Christian nation ideals met challenges from religious minorities. Al Smith, the New York governor and 1928 Democratic presidential nominee, used a populist language to fight for American workers, but he did so as the spokesman for immigrant, urban, ethnically diverse, and often Catholic and Jewish masses who were gaining political power in the early twentieth century. Smith’s defense of religious freedom protected hyphenated identities and institutional loyalties in ways that challenged proponents of a Protestant Christian nation. Later in the twentieth century, the Nation of Islam spokesman Malcolm X articulated a radical vision of racial solidarity that refused liberal inclusion altogether. Rejecting liberal discourses of freedom and tolerance, he insisted that inequality was at the center of American history. Malcolm X taught that American promises of freedom were based on distorted views of social reality, and that freedom required revolutionary change.

This book also examines how privatization in the current political climate has countered attempts made by religious, racial, and ethnic minorities to expand American freedom. Hearkening back to Griffith’s nostalgic embrace of Confederate ideals of state’s rights, limited government, and the sanctity of property, antistatist populists reject the expansion of democratic institutions and turn instead to libertarian privacy. Arguments made for intelligent design emphasize private choices and invoke liberal virtues of tolerance in order to attack the scientific establishment as representative of public institutions that pose tyrannical threats to liberty. Recently, decrying tyranny has manifested itself as nostalgia for a lost nation as the grounds for abandoning political loyalty to the state. Antigovernment sentiment of groups like the Tea Party is only one example of a broader trend toward privatization in which attacks on a leviathan state serve to expand private forms of institutional power. As we will see in this book’s analysis of attempts to grant to religious cor-
porations the status of persons entitled to First Amendment rights, this defense of corporate rights sanctifies property. Evangelical corporations like Hobby Lobby have found common cause with the Catholic Church to argue that in order to protect sacred property rights, they should not have to not provide health care coverage for forms of contraception that offend their consciences. This usage of religious privacy does not protect individual choices, but empowers a private sphere that contains institutions (such as churches, schools, hospitals, or other corporate bodies) that seek regulatory power over human bodies. The rhetoric of religious freedom expands the power of private institutions acting outside of democratic deliberation and accountability. This model of privacy derives its persuasive force from a defense of individual liberty, but in practice supports the interests of large corporations. This evacuation of public life is consistent with Patricia J. Williams's observation that fears of government power have justified legislative restraint that has eroded public institutions in favor of private power. Speaking of increasing monopolization of public space by private interests, she notes, “There is today precious little ‘public’ left, just the tyranny of what we call the private.” The rhetoric of religious freedom has played a central role in empowering private tyranny.

While the chapters of this book address varied subject matter, they by no means tell the whole story of American religious freedom. The selected case studies do not offer a balanced, exhaustive, or inclusive coverage of American history; I chose them to highlight different conceptual problems in the study of religion. The goal is not to propose any one explanation for how religious freedom works but to highlight how freedom has been contested, challenged, and transformed. Different chapters illuminate competing visions of the proper relationship between public and private life. If there is any single common theme, it is that while religious freedom often promises individual liberation from social constraints, this is the one thing freedom does not do. There is no such thing as unconditioned freedom that exists outside of social life. As the economy of religious freedom produces, distributes, and challenges different social arrangements, it addresses contradictions between formal promises of religious liberty and the practical exercise of freedom. To this end, this book draws on recent scholarship that investigates internal tensions within American religious freedom, especially in the role
that Protestantism plays in shaping supposedly religiously neutral secular institutions. Both Tracy Fessenden and John Lardas Modern, for example, suggest that Protestant forms of freedom and subjectivity have become so ingrained in American common sense as to be invisible to critical analysis. Others, like Steven D. Smith, agree that Protestant religious commitments have shaped religious freedom, but draw different conclusions about what this means. In Smith’s view, because American religious freedom was based upon Christian theological commitments, it is imperative to protect Christian influence in public life.

While I accept that public Protestantism has shaped American democracy, I am also interested in how people fight about this. Whereas Modern looks for an underlying epistemic unity, I see religious freedom as something fragmented, in tension, and under duress. This is not to say that I reject discursive analysis in order to recover the agency of subjects. Instead of addressing anxieties about whether people are able to make choices, this book examines how freedom can force people to make choices or allow them to avoid making choices. Following James Baldwin’s observation that freedom is hard to bear, I grapple with how people respond when freedom makes them uncomfortable.

What is common to all of the chapters of this book is that they study citizens who are not fully formed persons otherwise constrained by social forces. In practice, the production of religious freedom creates divided selves. Rather than study free people, then, this book examines the social processes that produce a variety of persons, whether they be sinners, laborers, victims, voters, revolutionaries, scientists, embryos, or corporations.