

## ***The Changing Terrain of Religious Freedom.***

**Edited by Heather J. Sharkey and Jeffrey Edward Green.  
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What is religious freedom, and why does it matter? Depending where you are and who you are talking to, religious freedom may be described as either an important human right that should be promoted everywhere or an emblem of cultural hegemony that is misguided and broken. Heather J. Sharkey and Jeffrey Edward Green frame their edited volume, *The Changing Terrain of Religious Freedom*, in terms of this broad range of attitudes about religious freedom. The aim of the collection is to explore the “tricky and shifting terrain” (4) of religious freedom.

Sharkey and Green do not offer an attempt to explain the law of religious freedom or synthesize legal authorities on the topic. The contributions in the volume do not focus on legal doctrine. Instead, the contributors deploy various disciplinary approaches, including sociology, history, political science, and political and legal theory. The result is an eclectic range of contributions that capture a wide breadth of ideas and criticism in religious freedom scholarship—from the true believers to the highly skeptical.

Despite the divergent, and sometimes contradictory, views of religious freedom presented in the collection, Sharkey and Green claim that the collection is a unified work. Its unity, they argue, is not based on a common set of assumptions or themes, but rather in a mutual sense of *respect* among the authors, and a common desire that they have to speak *together* in a conversation about religious freedom. This points to the ultimate aspiration of Sharkey and Green, which is to “clear ground for discussion between the two camps” of skeptics and believers in religious freedom by “gathering essays that grapple with thorny debates and acknowledging divergent positions” (28).

Although Sharkey and Green do not claim a particular vision and account of religious freedom advanced in the collection, they do, nevertheless, offer a unique (and to my mind appealing) frame of reference for approaching religious freedom. For them, religious freedom is “not a final achievement ... not even a concrete or tangible ‘thing.’ Religious freedom is, instead, an idea, a process, and an aspiration” (31). Religious freedom is, therefore, naturally contested terrain—not because of a particular change in peoples’ minds or sociopolitical conditions, but rather because *all* conceptions and assertions of religious



freedom involve a struggle between different ideas and interests in distinct places and contexts (2). From this view, the reader should understand that the collection is not offered as an attempt to *explain* religious freedom. Instead, it *illustrates* some of the challenges in the conception and application of the freedom of religion, identifying features of the terrain of religious freedom, examining what is unstable, and wrestling with the questions and issues that the exploration reveals.

Following the introduction, the reader is confronted with a highly diverse collection of essays. It is incumbent on the reader to develop their own ideas about the connection between the essays and how they work together as a whole. Thus, to provide a snapshot of what the book has to offer, in what follows, I briefly sketch a couple of threads that I saw woven through the collection and explain a little bit about how they appear in some of the essays.

First, there is a recurring tension between the universal concept of religious freedom and its specific application, or, more precisely, the challenges that arise in its application in particular contexts. In the first two essays, Daniel Philpott and Heiner Bielefeldt, respectively, do an exemplary job of casting a universal vision of religious freedom. Both propose a stronger role for the universal dimension of religious freedom—that the aspirations of religious freedom should not be abandoned in spite of the current challenges and criticisms it faces. But their case for the universal is not without nuance or appreciation for the challenges of applying it in different contexts.

Bielefeldt offers a particularly impressive vision of a universal concept of religious freedom as a “universalism within” (58), which means that religious freedom is necessarily an abstract *universal* normative aspiration that gains its full substantive meaning when applied *within* a particular context. He argues that the universal conception of religious freedom (and international human rights more generally) is not closed to criticism, context, or evolution over time. Rather, it is “a never-ending work in progress, which requires constant self-criticism, including the readiness to also listen to criticism voiced from outside the human rights community” (70).

Philpott gives a more direct defense of the universal idea of the freedom of religion, but his view also accounts for the unique human experiences of religion. Philpott makes an argument for the universality of the right to religious freedom, not in the legal sense but in the moral and pre-political sense as a natural right (37). Relying on a definition of religion that stresses practice and the expectations of religionists, Philpott argues that religion is a natural human phenomenon and a basic human good that transcends both social and historical boundaries. Religious freedom is connected to human dignity and is an end in itself that fulfils a foundational human capacity for perception, recognition, and explanation (45, 47).

Sharkey and Green, in my view, astutely placed these essays first. They provide a starting point (and foil) for the others, most of which focus on context-specific issues and critiques of religious freedom. The essays by Jolyon Thomas and Cassie Adcock stand nicely alongside those by Philpott and Bielefeldt because they emphasize the way in which religious freedom emerges out of political contestations over resources, both material and social. This is the pull at the other end of the universal/particular string.

Thomas discusses the experience of Japanese Buddhists in Hawaii alongside the emergence of the concept of religious freedom in post-World War II Japan. In both contexts, he powerfully illustrates the way that “[r]eligious freedom is not just ‘out there’ waiting to be discovered or applied” (94). This is particularly salient in the context of postwar Japan, where religious freedom was introduced by American occupiers as a broad *human* right rather than a specific civil right with the intent to undermine the strength of Shintoism and its connection with the emperor. The introduction of a conceptually abstract idea of religious freedom led to a series of contestations and negotiations regarding what counts

as *religion* and how it relates to political and social life in Japan. It is particularly striking to note how the conception of religious freedom developed in Japan contemporaneously with the drafting and adoption of religious freedom in the Universal Declaration of Human Rights. Religious freedom can operate and evolve simultaneously as a universal concept *and* as a specific principle that reflects a particular cultural, historical, social, and political environment. Neither can be collapsed into the other.

This observation leads to another theme in the collection: the ambivalence and the limitations of the law of religious freedom. Adcock, for example, examines the ways in which religious freedom emerges from and responds to political contestations. Her case study has to do with the practices and laws regarding the regulation of cow slaughter in India and how these have been affected and transformed by assertions of religion and religious freedom. This case study is very complex, and Adcock skillfully explains how a vast array of social, material, and political concerns of farmers, city dwellers, Muslim and Hindu groups, and especially the marginalized Dalit community, interface with religious freedom. What is most noteworthy is the way in which Adcock demonstrates the simultaneous risks and rewards of bringing religion and religious freedom to bear in a particular context. Religious categories and assertions of religious freedom may allow for more effective and peaceful ways to manage religious conflict and natural resources, but they also create opportunities for abuse.

Adcock argues that the introduction of religion and religious freedom in the Indian cow slaughter context enabled the state to coopt religious categories to serve the purposes of religious, social, and economic elites. But, simultaneously, she also shows how “unmasking religious motives” behind laws—narrating conflicts as centered on religious convictions—may actually heighten conflict and sharpen sectarian divisions rather than resolve them. This points to the *ambivalence of religious freedom*. We cannot simply appeal to a more robust and assertive concept of religious freedom to find a way forward with these complicated situations, for doing so might entrench rather than resolve social, political, and religious divisions (151).

Building on the theme of the limitations of religious freedom, Lori Beaman explores the idea of state neutrality and situations where states claim that certain religious practices are cultural or historical and therefore may be allowed to continue in public state institutions. Beaman argues that to transform “religion” into “culture” effectively creates a “zone of exemption” for the religious beliefs and practices of the majority while marginalizing the religious minority (110). The chief concern animating such a move is, according to Beaman, the fear of the “other,” and the desire of the majority to maintain its privilege. Such a move, Beaman claims, erodes “trust in law to bring about the promises of human rights protections, which in turn erodes democracy and the rule of law” (110).

Beaman’s analysis and dire warning is echoed in several other essays in the collection, including those by Leigh Schmidt, William Schultz, Randall Balmer, Kristina Arriaga, and Joshua Matz. All of these authors, although dealing with very different specific matters, attempt to show in various ways that there is a hidden religious majority that is afraid and exercises its power through the law of religious freedom to protect its entitlements and insulate itself from those who are different. The law of religious freedom, accordingly, is failing to fulfill the promise of human rights. Rather than bringing equality, liberty, fairness, and justice, religious freedom is being used in ways that entrench social division, alienate religious minorities, and allow the predilections and prejudices of the social majority to crystalize in various forms of social and institutional power.

The question the reader is left with at the end of the book is: What is the way forward? In their introduction, Sharkey and Green disclaim the possibility of synthesizing the different approaches taken or resolving the various issues raised throughout the book. Instead of looking for solutions, readers are invited to “grappl[e] with diverse, conflicting, and perhaps

irreconcilable claims; appreciat[e] when and why some claims prevail while others fail to persuade; and account[] for changing cultural values and political circumstances” (23). In other words, the “way forward” is not found in resolving tensions. Instead, the goal is to map out the “terrain” of religious freedom. The goal is not a recommendation or formula to improve the terrain of religious freedom, but a heightened capacity to navigate it. This, according to Sharkey and Green, requires us to keep working through these issues *together*, knowing that the issues are, and will remain, important and will always be challenging and unsettled.

In my view, this collection is a worthwhile read. Most readers will likely find a few of the essays frustrating, a few of the essays excellent, and the collection as a whole unsettling. This may be the best reason I can think of to recommend the book. It seems to me that what the pursuit of religious freedom needs now more than anything is for people to commit themselves to each other in a respectful conversation that includes drastically different perspectives and together to face the hopes, frustrations, and failings of religious freedom. Sharkey and Green may well be right: the best way forward is to try to clear some ground for a conversation between strikingly different perspectives on religious freedom.