

REPORT

A Push to Deny Muslims Religious Freedom Gains Steam

By Aysha Khan | July 16, 2019



(Getty/Win McNamee)

Once a fringe argument restricted to extreme anti-Muslim corners of the internet, the idea that Islam is not actually a religion, and therefore does not qualify for religious liberty protections, has rapidly gained salience in mainstream public discourse in the U.S. among activists, media commentators, and lawmakers alike.

In her new book, [When Islam Is Not a Religion: Inside America's Fight for Religious Freedom](#), attorney [Asma Uddin](#) traces the assertion's American origins from extreme right-wing activist spaces to the White House. A religious liberty expert and Senior Scholar with the [Religious Freedom Center at the Freedom Forum Institute](#) in Washington, D.C., Uddin said proponents of this argument claim that Islam is a dangerous political ideology and a tool to commit violence and impose the Islamic way of life upon non-Muslims. That, they argue, makes Islam incompatible with democracy and America.

“It’s very much rooted in this idea that Muslims have a very fundamental allegiance to something other than the U.S Constitution,” Uddin said. “It could be to Muslim governments abroad, but more likely the claim is that you have loyalty to shariah.”

Take, for instance, the United States Commission on International Religious Freedom. Last month, the bipartisan watchdog agency, charged with monitoring global religious liberty and offering policy recommendations to the president and Congress, [named](#) its new chairman: conservative Christian activist Tony Perkins. Perkins, president of the socially conservative

Christian advocacy group Family Research Council, once **declared** on his radio show that “Islam is not just a religion.” Instead, he said, Islam is “an economic system, it is a judicial system, it is a comprehensive system which is incompatible with the Constitution.” He’s even quantified how much of Islam is a religion: “only 16 percent,” he wrote in **a 2015 email** after Donald Trump called for a ban on all Muslims entering the U.S. Therefore, the suggestion that the ban would be “imposing some sort of religious test on Muslims is inaccurate,” he told his supporters in the message. “Sharia is not a religion in the context of the First Amendment.”

Indeed, shariah is not in fact a religion, nor is it “Islamic law,” as it’s commonly defined. The University of Wisconsin’s Asifa Quraishi-Landes, an expert in constitutional law and Islamic jurisprudence, **defines** it as divine guidance, rooted in the Quran, that points Muslims toward living an Islamic life. But many prominent anti-Muslim activists and politicians inaccurately define shariah as geopolitical dogma rather than a wide-ranging set of ethical principles that primarily defines Muslims’ personal relationship with God, as well as influences areas such as financial interactions and family law.

Uddin first encountered the argument that Muslims are not a legally protected group about a decade ago, after a group of local landowners **filed suit** to halt the construction of the Islamic Center of Murfreesboro, Tennessee. Opponents of the mosque’s construction, which the county had approved in line with its regular procedures for all houses of worship, argued that the county should have followed additional procedures because Muslim religious exercise poses a unique security threat. The hundreds of protesters and their lawyers argued that the mosque was not protected by the First Amendment’s guarantee of religious freedom. Tennessee Lt. Gov. Ron Ramsey **told** attendees at a 2010 campaign event that one can “argue whether being a Muslim is actually a religion, or is it a nationality, a way of life, or a cult,” but that “you cross the line when they start trying to bring shariah law into the United States.”

The federal government had to step in to confirm Islam’s legal validity as a religion. U.S. Attorney Jerry Martin **called** the opponents’ argument “simply ridiculous,” explaining that “each branch of the federal government has independently recognized Islam as one of the major religions of the world.” Indeed, though the Supreme Court has **never** produced a concrete **definition of a religion**, in **1989**, in his majority opinion in *County of Allegheny v ACLU*, Justice Harry Blackmun noted the First Amendment is “recognized as guaranteeing religious liberty and equality to ‘the infidel, the atheist, or the adherent of a non-Christian faith such as Islam or Judaism.’ ”

In the years since the Murfreesboro case, Uddin says the exclusion of Islam in religious liberty discussions has gained a national spotlight. “If you remember, the 2016 elections were described

by [Sen.] Ted Cruz as the **religious liberty election**,” Uddin said. Republican presidential candidates began competing to promise evangelicals the right to practice their religious beliefs without interference from the law. Former Arkansas governor Mike Huckabee and Texas Sen. Cruz hailed a Kentucky county clerk who was **ordered** to jail after refusing to issue same-sex couples marriage licenses, as a religious freedom icon. Then-candidate Trump vowed to “totally destroy” the Johnson Amendment, which restricts clergy from engaging in electoral politics from the pulpit, and he promised to fight restrictions against public employees leading sectarian prayers. Uddin notes that candidates also competed to diminish Muslim rights: Cruz **said** police should patrol Muslim neighborhoods; Ben Carson **said** the U.S. shouldn’t elect a Muslim president; and Trump **signaled** support for the creation of a Muslim registry and **called** for a ban on Muslim entry into the country.

Rick Santorum was the most blunt: “I know this is going to come as a shock to a lot of people, and I mean this sincerely,” he **said** during a Republican debate. “Islam is not just a religion. It is also a political governing structure...it is also Shariah law, it is also a civil government, it is also a form of government. And so, the idea that that is protected under the First Amendment is wrong.”

Those peddling this argument are seeking to distract from discussions of white Christians’ own “troubling history of sexism and violence,” said Luther College religion scholar Todd Green, a national expert on Islamophobia and author of the 2011 book **The Fear of Islam**. “As long as we are having debates about whether Islam is capable of separating politics from religion, we need not reflect on the simple fact that religion in America...has always been intertwined with politics,” Green said, pointing to white Christian support for indigenous genocide, chattel slavery, lynching, Jim Crow laws, and torture in the war on terror. “But note that we are not obsessed with the question of whether Christianity should be afforded First Amendment protections, even though Christians have embraced some troubling, if not catastrophic, political positions, and, in some cases, continue to do so.”

If the criteria employed to delegitimize Islam were applied to Christians, Green said, then Christianity would also be disqualified as a religion. And indeed, several religions now seen as perfectly legitimate – including Christian groups – have been seen in the same way in the U.S. **Catholics, Mormons**, and Jews have all been subjected to similar conversations about delegitimization based on the notion that their faith was inherently political.

“A lot of people think American liberty just exists without a robust constant defense of it,” Uddin said. “It’s gotten pretty extreme at points. The extermination order put out against Mormons by the governor of Missouri [in 1838] shows that clearly things can get really bad...It’s our choice as

a country to decide which direction we're going to go this time. It's already getting pretty bad for Muslims."

Uddin points to Muslims' homes and mosques being burned down, **hate crimes**, hijab grabs, and other acts of violence, and she draws a direct line back to the idea that Islam isn't a religion. Just as it did for these other faith groups, the argument also implies something about Muslims' very humanity, she said. "Religious liberty in the U.S. Constitution is the first freedom. . . intentionally because of this idea that if you don't have the ability to live out your faith. . . your other rights are irrelevant," Uddin said.

The idea is influencing law enforcement, too. Two **recent** investigations have **documented** dozens of anti-Muslim Facebook posts by U.S. police officers, some of which called Islam "a cult of oppression, rape, pedophilia and murder," "a cult full of child molesters," "a political agenda," and "an authoritarian, political doctrine which imposes itself by force." Such posts are "probably influencing the way in which they police in their communities," Madihha Ahussain, special counsel for anti-Muslim bigotry at the legal advocacy organization Muslim Advocates, **told** the Center for Investigative Reporting.

In Murfreesboro, Muslim residents saw the physically threatening nature of this argument when the mosque site was repeatedly vandalized, threatened with a bombing, and even burned down. The Murfreesboro protests are also where Uddin encountered Bill French, aka Bill Warner, who led the anti-mosque opposition while draped in an American flag and "yelling about the Muslim threat to America," she recalled. A former physics professor with no formal education in religion, French now runs the for-profit Center for the Study of Political Islam in Nashville, Tennessee. His organization has produced statistical analyses that seek to quantify how much of Islam is a political ideology versus a religion. The CSPI analyzes the full corpus of several foundational Islamic texts, including the Quran and sayings of the Prophet Muhammad, and counts the number of words focused on different themes. "There would be no Islam today, if it were only a religion," **one CSPI report** concludes. "Statistics show that Islamic politics is what brought Islam success, not religion."

These precise percentages appear to be what's behind Perkins's claims. "This is becoming a more strategic argument," Uddin said. "It's being defined in these specific ways with pseudoscience and these quote, unquote 'think tanks' that are responding to the work of actual legitimate think tanks using the language of statistics."

And that language is resonating with state policymakers across the country. In Oklahoma,

Republican state Rep. John Bennett **claimed** that Islam is “a political system that uses a deity to advance its agenda of global conquest.” In Delaware, a lawmaker last month introduced an anti-shariah bill and **suggested** that Muslims “want to subvert our constitution.” The bill is among the more than 200 similar anti-shariah bills introduced in more than 40 state legislatures since 2010.

These movements have been furthered by the fact that “the greatest source of power in the United States and some of the highest levels of government are now welcoming these people into their ranks,” Uddin said. “If you have state structures essentially legitimizing this narrative, that also impacts the way that private citizens think about Muslims and their rights.”

In 2015, radio host Rush Limbaugh – who plays golf with Trump – **said** Islam is a “conquest ideology” rather than a religion. In 2016, Brigitte Gabriel, who heads anti-Muslim group ACT for America – which has **bragged** about its access to Trump and the White House – said that “Islam went from being strictly a spiritual movement...to becoming a political movement cloaked in religion.” That same year, Michael Flynn, Trump’s former national security advisor, referred to Islam as a political ideology that “definitely hides behind being a religion” in a speech at an ACT for America conference. Former Pentagon official William Boykin in 2010 described Islam as “a totalitarian way of life” that “should not be protected under the First Amendment, particularly given that those following the dictates of the Quran are under an obligation to destroy our Constitution and replace it with Shariah law.”

These arguments, in part, are the result of concerted efforts by groups like the CSPI and the **Center for Security Policy**, a D.C. think tank run by former Reagan administration official Frank Gaffney. The organization has published reports that mischaracterize shariah as a “legal-political-military doctrine” and a “political program” and call for Muslims that believe in shariah to have their U.S. citizenship revoked. Gaffney, whose arguments and conspiracy theories once made him a **pariah** to conservatives, now has a **willing audience** on Capitol Hill. In 2015, the CSP published a guide advising local activists on the most effective talking points to stop the construction of mosques in their area, and explained how the argument that Islam is not a religion can and cannot be wielded in court. Five years before that, the CSP published an influential report on shariah, concluding that “it would be a mistake to think of shariah as a ‘religious’ code in the Western sense.”

This argument, and its increasing legitimacy in America, has international implications for religious freedom, too. Some scholars have **warned** that the argument can be turned against Christian minorities in India, where Hindu nationalists have long criticized Christians for mixing faith and imperial politics. In the Netherlands, politician Geert Wilders has **echoed** this argument

to assert that the Dutch constitutional commitment to freedom of religion shouldn't apply to Islam. In Australia, Sen. Fraser Anning has called Islam "the violent ideology of a 6th-century despot masquerading as a religious leader" and something that is unlike any other faith. The idea has been exported to China as well, notes Mobashra Tazamal, who researches Islamophobia at Georgetown University. There, anything associated with Islam is viewed as an existential threat to the state, and Chinese officials refer to Islam as an "ideological illness" that makes one prone to extremism. The result: More than a million Uighur Muslims are forcibly **detained** in so-called "re-education camps" intending to "cure" them of this sickness.

Americans would do well to keep that in mind, Uddin said. "If you're going to start saying that this group that's unpopular at this time and the government can have a greater role in limiting their rights, you've essentially at that point ceded power to the government," she said. "And then at any point that you become unpopular, it's going to be used against you. So, there are implications for literally everyone else, including nonbelievers."

Aysha Khan is a journalist in Boston. She reports on American Muslims.



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