

EDITORIAL

In his article for this issue of *JLR*, David Decosimo engages what he describes as “the new genealogy of religious freedom.” This new genealogy is a literature that has come to prominence over the past decade and includes a symposium titled “Re-thinking Religious Freedom,” in volume 29, issue 3 of this journal.¹ The contributors to the *JLR* symposium and the wider, associated literature have raised significant challenges to both the discourse and policies pursued under the banner of religious freedom. In the closing lines of her editorial for volume 29, issue 3, my fellow co-editor, M. Christian Green, wrote that “[t]he stakes are high in the arguments that [symposium guest editors Winnifred Sullivan and Elizabeth Shakman Hurd] and their colleagues bring to this symposium . . . and we [at *JLR*] look forward to the debate that shall, without a doubt, ensue.”² A debate has ensued, both beyond and within the pages of *JLR*.³ Decosimo’s contribution in this issue both appreciates the challenge posed by this critical literature and learns from it to develop a nuanced and clarified understanding of religious freedom. But Decosimo also challenges the critics of religious freedom on what he sees as problematic assumptions animating the critique; assumptions that Decosimo argues are actually shared with the foundationalist supporters of religious freedom that the new genealogy criticizes.

Saba Mahmood is one of the scholars with whom Decosimo engages at length. I want to take the opportunity in this editorial to remember and appreciate the scholarship of Saba Mahmood, who passed away on March 10, 2018. Mahmood was one of the vital interlocutors in this conversation on religious freedom. With her passing, the law and religion community has lost one of its most insightful scholars and critics. Mahmood’s contributions to the religious freedom debate were manifold. With Winnifred Sullivan, Elizabeth Shakman Hurd, and Peter Danchin, she led the Politics of Religious Freedom Project and edited the volume *Politics of Religious Freedom*.⁴ With Danchin, she co-edited “Politics of Religious Freedom: Contested Genealogies,” a special issue of *South Atlantic Quarterly*.⁵ She authored a number of chapters and articles on the subject⁶ and addressed the complications of religious freedom for minority communities in her final monograph, *Religious*

1 “Re-thinking Religious Freedom,” symposium, *Journal of Law and Religion* 29, no. 3 (2014): 358–509. For a detailed accounting of the literature, see Decosimo’s article in this issue.

2 M. Christian Green, “Editorial,” *Journal of Law and Religion* 29, no. 3 (2014): 355–57, at 357.

3 For another perspective on this literature, see Daniel Philpott and Timothy Samuel Shah, “In Defense of Religious Freedom: New Critics of a Beleaguered Human Right,” *Journal of Law and Religion* 31, no. 3 (2016): 380–95.

4 Winnifred Fallers Sullivan, Elizabeth Shakman Hurd, Saba Mahmood, and Peter Danchin, eds., *Politics of Religious Freedom* (Chicago: University of Chicago Press, 2015).

5 “Politics of Religious Freedom: Contested Genealogies,” ed. Saba Mahmood and Peter G. Danchin, special issue, *South Atlantic Quarterly* 113, no. 1 (2014).

6 See, for example, Saba Mahmood and Peter Danchin, “Immunity or Regulation? Antinomies of Religious Freedom,” *South Atlantic Quarterly* 113, no. 1 (2014), 129–59; Mahmood, “Religious Freedom, the Minority Question, and Geopolitics in the Middle East,” *Comparative Studies in Society and History* 54, no. 2 (2012): 418–46; Mahmood, “Religious Freedom, Minority Rights, and Geopolitics,” in Sullivan, et al., *Politics of Religious Freedom*, 142–48.

Difference in a Secular Age: A Minority Report.⁷ Throughout this work, Mahmood consistently challenged scholars to think about how the pursuit of religious freedom affected the many religious communities that coexist in our modern, pluralist world and lifted up the ways in which the pursuit of religious freedom for some communities could come, wittingly and unwittingly, at the expense of others.

Mahmood's broader corpus of work also informs these debates. Her conceptual and genealogical work on secularism has complicated the ideas of secularism and the secular, as well as the relationship of the secular to religion, requiring scholars of law, religion, politics, and history to grapple with epistemological and normative assumptions about reason and belief, interior and exterior, private and public, that may not hold. Although Mahmood did not edit the *JLR* symposium, "Re-thinking Religious Freedom," her signature ethnographic attention to the lives and experiences of particular subjects, and the challenges to received wisdom and neat theory that those lives create, is reflected in a number of the articles for that issue. The benefit of patient observation and thick description is evident throughout Mahmood's work, and many scholars have followed in her path to offer new ethnographically inspired accounts of religious communities, the state, and the complicated relationships betwixt and between the two.

In her introduction to *Is Critique Secular?*, to which Mahmood was a contributing author, Wendy Brown writes that "[u]nseating governance . . . is the very signature of political, social, and cultural critique; it targets what is presumptive, sure, commonsensical, or given in the current order of things."⁸ This description of critique certainly applies to the work of Saba Mahmood. Her work challenged presumptions about the lives of religious people and the efficacy of secular and secularizing policies. She upended given notions and, in doing so, inspired a generation of scholars to look closely at religious lives and communities to truly understand the logics and power dynamics at work. The care and excellence she brought to this work of critique has left an enduring legacy for many fields of study, and that legacy certainly includes law and religion. The continuing debate on the politics of religious freedom that she helped to inspire is part of that legacy, and it lives on in this issue of *JLR*. In the continuance of these vital conversations, we both remember Saba Mahmood and mourn her passing.

Silas W. Allard

Co-editor, Journal of Law and Religion
Associate Director, Center for the Study of Law and Religion

7 Saba Mahmood, *Religious Difference in a Secular Age: A Minority Report* (Princeton: Princeton University Press, 2015).

8 Wendy Brown, "Introduction," in Talal Asad, Wendy Brown, Judith Butler, and Saba Mahmood, *Is Critique Secular? Blasphemy, Injury, and Free Speech*, new edition (New York: Fordham University Press, 2013): 1–13, at 2.