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REVIEW ESSAY

Life at the Margins: Religious Minorities, Status, and the State

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Abstract

Discussed: *Representing God: Christian Legal Activism in Contemporary England.* By Méadhbh McIvor. Princeton: Princeton University Press, 2020. Pp. 200. $120.00 (cloth); $29.95 (paper); $29.95 (digital). ISBN: 9780691193632.
American Shtetl: The Making of Kiryas Joel, a Hasidic Village in Upstate New York. By Nomi M. Stolzenberg and David N. Myers. Princeton: Princeton University Press, 2021. Pp. 496. $35.00 (cloth); $24.95 (paper); $35.00 (digital). ISBN: 9780691199771.

This essay examines the claims-making practices of conservative evangelical Protestants in England and Satmar Hasidim in the United States, communities marginal to two contingents of leftist academic discourse today: scholars who see liberation as an anti-statist project and others who imagine religious diversity as a common good facilitated by the state. The author suggests that one way forward in the critical study of law and religion is to examine communities with political commitments that differ from our own—who shape their worlds alongside and through the state yet are unconcerned about a common democratic future. By showing that no liberal (statist) or liberatory (anti-statist) framework holds either the Satmar or evangelical Christian legal claims, the author identifies generative problems for thought that challenge current approaches to understanding religion-state entanglement in the contemporary world.

Keywords: legal activism; evangelicals; Satmar Hasidim; England; United States; political liberalism; liberation

A seventeen-year-old boy named Nahel M. was killed on June 27, 2023, by police during a traffic stop in Nanterre. Violent protests and riots across France ensued. On the night of July 1–2, one protester in Marseille named Mohamed Bendriss, age twenty-seven, suffered a fatal chest injury after being shot by a so-called less-lethal police weapon known to cause eye loss, brain injury, and bone breakage. Earlier that summer, longtime president of Turkey, Recep Tayyip Erdoğan, narrowly defeated opposition leader Kemal Kılıçdaroğlu in the country's first-ever runoff presidential vote, extending his rule to a third decade—this while Turks reel from the earthquake in February that killed over 50,000 people, one that critics suggest was exacerbated by lax building codes implemented by the Erdoğan administration. Further east, Russia's war in Ukraine continued to unfold with global repercussions—from severe grain shortages to the internal and regional displacement of millions of refugees. These are but the briefest examples of how states around the globe fail to deliver adequate aid, perpetrate heinous crimes in full view of the international community, and incarcerate, kill, and disenfranchise people at alarming rates, among

them and often the most disadvantaged. Across the United States to Poland to India to Brazil and beyond, incumbents and political hopefuls advance exclusionary, racist, and authoritarian visions that claim wide appeal, dashing the hopes of those who seek to build more democratic futures.

It is no surprise that many scholars today tend overwhelmingly to be suspicious of political authority. They write critically about the state. More and more, academics imagine liberation as a political project that lies beyond statist frameworks—indeed imagine the end of the state itself.[1] Many of these analyses advocate for coalition building that cuts across social difference and forms of solidarity that also challenge systems of global capital.[2] The road to liberation, on this view, challenges standpoint epistemology, the idea that one's position as a member of a protected group based in the difference of race, gender, sex, sexuality, religion, or ethnicity, is the starting point for revolutionary political movements.[3] Proponents of anti-statist projects argue that failing to think and act across these lines of difference hastens political failure.[4] Hence the recent revival of Marxist visions of justice rooted in class experience.[5] This revival draws inspiration from anti-imperial and communist thought, prompting renewed attention to canonical texts in these traditions.[6] When an epistemic position based in the difference of identity is put forward within this genre, such a position is said to offer a way out of state enclosures.[7]

This is the general idea behind Mahmood Mamdani's *Neither Settler nor Native: The Making and Unmaking of Permanent Minorities.* Mamdani examines the violent nationalism that followed the creation of minorities under indirect colonial rule, arguing that the categories of race and tribe fabricated by colonizing elites were adopted by colonized subjects who then developed nationalist political subjectivity on their basis. "[T]he permanent separation of the majority and the minority," he suggests, is "a distinction without which the nation-state collapses."[8] He thus dates the founding of the nation-state not to the 1648 Treaty of Westphalia, but to the Reconquista of 1492, when the Castilian monarchy instituted laws

[1] Loubna El Amine, "The Nation-State 1648–2148," *Political Theory* 51, no. 1 (2023): 65–73.

[2] See, for example, Keeanga-Yamahtta Taylor, ed., *How We Get Free: Black Feminism and the Combahee River Collective* (Chicago: Haymarket Books, 2017); Dean Spade, *Mutual Aid: Building Solidarity during this Crisis (and the Next)* (London: Verso, 2021); Olúfẹ́mi O. Táíwò, *Reconsidering Reparations* (New York: Oxford University Press, 2022). For a complementary account in the field of law and religion, see Robert A. Yelle, *Sovereignty and the Sacred: Secularism and the Political Economy of Religion* (Chicago: University of Chicago Press, 2018).

[3] One of the earliest and most influential articulations of the view that transformational politics is located not in an identity position but in a nonnormative and marginal relation to power is developed in Cathy J. Cohen, "Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?" *GLQ* 3, no. 4 (1997): 437–65. See also Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law* (Durham: Duke University Press, 2015).

[4] Cedric Johnson, "The Panthers Can't Save Us Now," *Catalyst* 1, no. 1 (2017): 1–26.

[5] István Mészáros, *Beyond Leviathan: Critique of the State*, ed. John Bellamy Foster (New York: Monthly Review Press, 2022); Cedric J. Robinson, *Black Marxism: The Making of the Black Radical Tradition*, 3rd ed. (Durham: University of North Carolina Press, 2021).

[6] See, for example, Adom Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination* (Princeton: Princeton University Press, 2019). On renewed attention to canonical texts, see the new edition of C. L. R. James, *The Black Jacobins: Toussaint L'Ouverture and the San Domingo Revolution* (New York: Penguin Random House, 2023) (with a new introduction by David Scott), and the recent annotated collection of W. E. B. Du Bois's speeches and essays, Adom Getachew and Jennifer Pitts, eds., *W. E. B. Du Bois: International Thought* (Cambridge: Cambridge University Press, 2022).

[7] See, for example, the following: J. Kameron Carter, *The Anarchy of Black Religion: A Mystic Song* (Durham: Duke University Press, 2023); Charisse Burden-Stelly and Jodi Dean, *Organize, Fight, Win: Black Communist Women's Political Writing* (London: Verso, 2022); Glen Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014).

[8] Mahmood Mamdani, *Neither Settler nor Native: The Making and Unmaking of Permanent Minorities* (Cambridge: Harvard University Press, 2020), 7.

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and policies to create a culturally homogenous homeland for Catholic Spaniards. The Castilians expelled Jews who refused baptism, and they forcibly converted Muslims; they also spearheaded colonial campaigns across the Americas. "Nationalism did not precede colonialism," argues Mamdani; the two were "co-constituted."[9] What he calls "decolonization of the political," the main focus of *Neither Settler nor Native*, is "a process of rethinking and restructuring the internal political community" that revokes the permanence of majority and minority status.[10] In his view, "[m]inority status boils down to the forgoing of sovereignty. The state will never exist in the image of the minority, which renounces any political project that would change the character of the state."[11] Mamdani looks to post-apartheid South Africa for "a way out of the morass of the nation-state and its obsession with civilization."[12] There he finds "nonracial democracy," a form of political engagement beyond cross-racial coalitions that encompasses "diverse people working toward a united political future."[13]

I reference *Neither Settler nor Native* because much of what scholars know about religion and modernity and their mutual imbrication stems from the study of the colonial world.[14] In fact, a claim often repeated in the literature that extends these insights is that categories instituted under colonial rule, religion among them, set the baseline for political contestation and legal reform post-independence.[15] Other scholars subsequently conclude that states foreclose indigenous ways of knowing and being, which are almost always imagined to be more egalitarian than systems of rule established in their wake, even those that purport to realize visions of pre-state governance.[16] What might we learn about law and religion when colonization is not assumed to be the primary cause or driver of social differentiation in the present? This, of course, is a question for scholars of the contemporary world. The concern I am articulating relates to a particular orientation to the people and phenomena we study, whereby scholars look at the world, are puzzled by actors who appeal to state regulatory logics, sift the colonial past for explanation, and conclude that people today who perhaps in equal measure fascinate and perplex us are enacting colonial power arrangements. More often than not this kind of scholarship rehearses the "Foucauldian nightmare" that Mamdani wishes to think beyond in which "power and knowledge—for what else is there?—together produce a closure. Every beginning is fated to end as a tragedy.

[9] Mamdani, *Neither Settler nor Native*, 2.

[10] Mamdani, 18.

[11] Mamdani, 7.

[12] Mamdani, 4.

[13] Mamdani, 350.

[14] In the comparative study of religions, landmark monographs include the following: David Chidester, *Savage Systems: Colonialism and Comparative Religion in Southern Africa* (Charlottesville: University of Virginia Press, 1996); Peter van der Veer, *Imperial Encounters: Religion and Modernity in India and Britain* (Princeton: Princeton University Press, 2001); Webb Keane, *Christian Moderns: Freedom and Fetish in the Mission Encounter* (Berkeley: University of California Press, 2007).

[15] See, for example, the following: Iza R. Hussin, *The Politics of Islamic Law: Local Elites, Colonial Authority, and the Making of the Muslim State* (Chicago: University of Chicago Press, 2016); Tamir Moustafa, *Constituting Religion: Islam, Liberal Rights, and the Malaysian State* (Cambridge: Cambridge University Press, 2018); Julia Stephens, *Governing Islam: Law, Empire, and Secularism in Modern South Asia* (Cambridge: Cambridge University Press, 2018); Judith Surkis, *Sex, Law, and Sovereignty in French Algeria, 1830–1930* (Ithaca: Cornell University Press, 2019); Faisal Devji, *Muslim Zion: Pakistan as a Political Idea* (Cambridge, MA: Harvard University Press, 2013).

[16] Wael Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* (New York: Columbia University Press, 2012). For a challenge to Hallaq's central thesis, see Noah Salomon, *For Love of the Prophet: An Ethnography of Sudan's Islamic State* (Princeton: Princeton University Press, 2016). For an account of the ways that the Somali people have embraced shari'a and the rule of law, see Mark Fathi Massoud, *Shari'a, Inshallah: Finding God in Somali Legal Politics* (Cambridge: Cambridge University Press, 2021).

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Any attempt to write or make something else, something new, produces nothing but a romantic illusion."[17]

As unpopular as the state is today among academics, a way forward for the critical study of law and religion is to rethink the scholar's aversion to the state. Why this program for research? Despite arguments that state regulation diminishes religious flourishing, demands for recognition, exemption, accommodation, or protection on the basis of religious difference continue unabated in both states that are officially neutral toward religion and those with a declared religious identity.[18] Moreover, colonial history is almost invariably the point of reference for scholars who work on religion-state entanglement even as the primary sources of their research—the very people they study—do not look to that past to orient their action.[19] The point of contact then, between the researcher and her subject, becomes ancillary to the argument espoused on the basis of this encounter, rendering the subject, too, almost incidental to the research. It is not my view that scholars should necessarily adopt the perspective of the people we study; however, the further removed our analysis from the lived realities that initiate our research, the less likely it explains the phenomena that prompted our inquiry in the first place. Paradigmatic theories are thus ossified, telling us more about the scholar's skepticism of the state than why the state's regulatory logics are appealing to those whom she studies.[20] Scholarship that purports to critically examine religion-state entanglement without also interrogating this skepticism rehearses familiar theoretical tropes that distract from the main event. And so, as Ludwig

[17] Mamdani, *Neither Settler nor Native*, 36.

[18] See Mona Oraby, *Devotion to the Administrative State: Religion and Social Order in Egypt* (Princeton: Princeton University Press, forthcoming).

[19] For example, Saba Mahmood, writing about staff members of an Egypt-based legal aid organization who advance rights-based claims, explains:

> I could not have written *Religious Difference in a Secular Age* without conducting fieldwork with the EIPR and other minority-rights groups in Cairo. However, as I worked with these activists, I realized that the assumptions that informed their work were not simply "theirs" but belonged to a global political discourse that exerts an immense force on our collective imagination. The temporality and historicity of this discourse are quite distinct from the one that informed the actions of the Egyptian activists; the disjuncture between them was not always visible to the activists or to me during the course of my fieldwork. Upon my return from Egypt, as I began the process of analysis and writing, I was compelled to dig beyond the ethnographic encounter to grasp fragments of the past congealed into the present, their temporal weight pressing into it. This process in turn required an engagement with historical materials from the eighteenth century to the present about which I knew little when I embarked upon this project. The book thus could not have been born without the ethnographic encounter, but also had to transcend it in order to make sense of *what* I encountered.

Religious Difference in a Secular Age: A Minority Report (Princeton: Princeton University Press, 2018), 23.

[20] Critical scholarship in law and religion and adjacent fields often draws on the work of James C. Scott to explain the relationship between states and the communities they manage. Jeffrey Redding, for example, claims that "the coercive secular state in India has depended on non-state Islamic legal actors," analogizing this "secular need of the Islamic" to forest management and the production of commercial timber described in Scott's *Seeing Like a State.* Yet in attributing to the state an invariably coercive character, likening the lumber commodity market to legal pluralism, Redding suggests that it has fabricated a social order with little basis in reality. He acknowledges yet minimizes the complementarity of state and non-state forums for dispute resolution (chapter 1), on one hand, and Muslims' simultaneous recourse to Islamic and secular law to achieve just outcomes (chapter 4), on the other. Jeffrey A. Redding, *A Secular Need: Islamic Law and State Governance in Contemporary India* (Seattle: University of Washington Press, 2020), 4, 149–50; James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998).

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Wittgenstein observed, "One thinks that one is tracing the outline of the thing's nature over and over again, and one is merely tracing round the frame through which we look at it."[21]

One way around this predicament is to study communities with political commitments that differ from our own—who shape their worlds alongside and through the state yet are unconcerned about a common democratic future. The books reviewed here feature people doing things that chafe at the scholarly yearning for life beyond the state and the post-identity universalism that undergirds this desire. *Representing God: Christian Legal Activism in Contemporary England* by anthropologist Méadhbh McIvor is a study of conservative evangelical Protestants who perceive Christianity to be under threat, one that explores how they approach limitations on the public expression of religious conviction. These English Christians understand the "truly universal" as "the biblical law written on the hearts of all men and women, including those who currently deny it" so much so that "real social change may well be impossible without mass conversion" (127). They are committed to a conservative reading of the Bible, believe in the necessity of being "born again," and advance their duty to evangelize so that others may also receive salvation through Christ. Importantly, many hold political positions, such as opposition to same-sex marriage, abortion, and embryonic stem-cell research, which they understand to derive from biblical teachings. *American Shtetl: The Making of Kiryas Joel, a Hasidic Village in Upstate New York*, coauthored by Nomi Stolzenberg, a scholar of American law, and David Myers, a scholar of modern Jewish history, is a remarkable account of a group of Yiddish-speaking Jews of Hungarian descent that exercised their right to property to create an autonomous, culturally homogenous municipality whose success is enabled by American institutions that protect and even encourage self-segregation. Though they are among the poorest Americans, Satmar Hasidim mobilized free-market mechanisms to establish "a local counter-Zion" (379), a community based not on the multicultural shtetls of eastern Europe but one "sheltered from the outside world" (83).

How scholars examine and what they deduce from the actions of those who differ from us politically are also significant. In this essay, I strive "to remain on the same plane as my object of study rather than casting around for a hidden puppeteer who is pulling the strings."[22] In other words, I accept what evangelical Christians and Satmar Hasidim in *Representing God* and *American Shtetl* demonstrate: that vigorous engagement with state law and institutions enables community building and is not a coerced form of dispute resolution mandated by political authority. I am thus skeptical of a position that would suggest these groups mobilize legal positivism because rights talk is the only game in town. Whereas Henry Sumner Maine anticipated that progressive societies would move from status to contract[23]—societies once organized through so-called traditional, status-based groups would be superseded by societies composed of autonomous individuals who make impersonal agreements[24]—*Representing God* and *American Shtetl* offer a different story of the imbrication of religion and law in political modernity. Both monographs point to status and status determination as productive entry points for understanding this imbrication. In contemporary England and the United States, communal bonds grounded in theological certainty and a duty to realize the Truth are as strong as ever, even as self-identified evangelical Christians and Haredi Jews hold different ideas about how best to pursue that aim.

[21] Ludwig Wittgenstein, *Philosophical Investigations*, trans. G. E. M. Anscombe (New York: MacMillan Publishing Co., 1973), 1.114, at 48e.

[22] Rita Felski, *The Limits of Critique* (Chicago: University of Chicago Press, 2015), 6.

[23] Henry Sumner Maine, *Ancient Law* (London: John Murray, 1861).

[24] Scholars of religion will recognize in this formulation an argument analogous to one advanced by Charles Taylor. Charles Taylor, *A Secular Age* (Cambridge, MA: Harvard University Press, 2007).

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Status organizes our world. Its effectiveness as such lies in the fact that "status determination gives the status holders and third parties that interact with them clarity about their rights and obligations."[25] Importantly, "status" in the featured monographs is both a category of belonging named by the state and the normative orders to which communities adhere.[26] *Status*, though etymologically linked to the term *state*,[27] in practice is concerned with social organization beyond the maintenance of republican government. It follows, therefore, that the identity categories on which status depends, whether defined by state or communal vernaculars, "can become contested or rendered obsolete," making the "mandatory, bundled nature" of status, including its mandatory rules, subject to debate.[28] In *Representing God* and *American Shtetl*, I find actors who challenge ideas about progressive society as one constituted by autonomous individuals freed from communal bonds; they also skillfully advance communal visions through state institutions—whether legislatures or courts or public education boards—that valorize this view of the modern political subject. However, the two sets of authors arrive at different conclusions about what their interlocutors are doing when they engage the state; the conclusions I reach based on the evidence presented also sometimes differ from what an author claims that evidence shows. These are productive incongruities.

Standing for Truth

How is it that members of England's majority religion could see themselves as a persecuted minority? This question is Méadhbh McIvor's point of departure in *Representing God.* In England and Wales about a decade ago, almost 60 percent of residents self-identified as Christian; nearly an equal number of those so identified also claimed that Christianity is under threat. This in a political context where Protestant Christianity, through the Church of England, is legally established. McIvor conducted dual-sited fieldwork in London among Christians who believe that Britain is losing its traditional Christian heritage—at a multidenominational Protestant lobby group called Christian Concern, including the often headline-grabbing arm of the organization that litigates Christian-interest cases, the Christian Legal Centre, and among members of Christ Church, a well-heeled conservative evangelical Anglican community. Christ Church is a source of financial support for Christian Concern. These groups are theologically similar and hold a shared set of sociopolitical concerns; they differ on how best to express their convictions in what they perceive to be a world hostile to manifestations of their faith. Christ Churchites view this hostility as inevitable, preferring "to continue to evangelise, readying oneself for the coming trials while pointing others towards God" (40). The staff of Christian Concern, by contrast, advance

[25] Kaiponanea T. Matsumura, "Breaking Down Status," *Washington University Law Review* 98, no. 3 (2021): 671–736, at 674.

[26] Max Weber, "Class, Status, Party," in *From Max Weber: Essays in Sociology*, ed. C. Wright Mills and H. H. Gerth (London: Routledge, 2009), 180–95; J. M. Balkin, "The Constitution of Status," *Yale Law Journal* 106, no. 8 (1997): 2313–74. See also Mitra Sharafi, *Law and Identity in Colonial South Asia: Parsi Legal Culture, 1772–1947* (Cambridge: Cambridge University Press, 2014). Importantly, although Sharafi's study is historically delimited by the colonial era in British India and Burma, the conception of legal pluralism that undergirds it is not specific to this time period. "*Legal pluralism*," she writes, "is the idea that law does not emanate solely from the state, but that a multiplicity of normative orders—of the clan, tribe, religious or ethnic group, club, school, profession, commercial community, and corporation—produce their own rules, enforcement mechanisms, and bodies of dispute resolution among group members." Sharafi, *Law and Identity in Colonial South Asia*, 6.

[27] Talal Asad dates the linkage to medieval legal theories. See Talal Asad, "Where Are the Margins of the State?," in *Anthropology in the Margins of the State*, ed. Veena Das and Deborah Poole (New Mexico: School of American Research Press, 2004), 279–88, at 280.

[28] Matsumura, "Breaking Down Status," 675.

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an "urgent theology of activism" against legislation they deem contrary to God's will, a theology that stands for Truth "regardless of either personal cost or political outcome" (25).

Representing God offers valuable insight into communities frequently vilified. The strengths of the book are in McIvor's comparison between the staff of Christian Concern and members of Christ Church. McIvor captures through detailed ethnographic vignettes how these actors perceive hostility to public expression of religious conviction, including the subtle differences that distinguish their approaches in their obligation to provide a positive Christian witness. McIvor thereby reminds readers that even members of majority religions who manifest exclusionary cosmologies warrant scholarly attention. This is in part because such cosmologies can be simultaneously inclusive, meaning that conservative Christians, whether or not they are involved in political lobbying or legal activism, believe reformed evangelicalism has universal application. McIvor's analysis is luminous when Christ Churchites and activists are permitted to speak for themselves, which occurs often throughout the book. The reader is thus given vivid snapshots of particular people; the foregrounding of individual perspectives means we learn not only about conservative evangelical Protestants, but from them.

McIvor reasons that legal anthropologists ought to attend to the ordinary, not merely the sensational, thus her justification that Christ Church, members of which are not personally invested in legal activism, is an important part of the story of the contested place of Christianity in contemporary England (21–22). Yet the argument advanced by McIvor, as the title of the book portends, relies almost entirely on her observations of the Christian lobbyists and lawyers. McIvor argues that "evangelical-spearheaded politico-legal activism ... is equally a response to and constitutive of the changing role of Christianity in the life of the nation, in that, by framing certain moral norms and ritual practices as specifically *Christian*, evangelical activists risk reifying their religious worlds as something increasingly set apart from—and potentially irrelevant to—broader English culture" (24–25). Evangelical Christianity, McIvor asserts further, "seeks to resist the normative constraints of a liberal order even as it remains trapped within this order's conceptual frame" (25). She finds that the staff of Christian Concern, who seek protections for religiously-motivated actions, "inevitably succumb to ... the law's power to circumscribe and police the legitimate limits of religious expression, and its prerogative to reject certain forms of religiosity as not quite religious *enough* to be protected under laws guaranteeing religious freedom" (14). That McIvor bases her argument on insights gleaned from one subset of interlocutors is one observation to note. Whether the data McIvor provides about these interlocutors supports the conclusion she reaches is a question worth asking. In my view, her argument's viability is hindered by its speculative nature. McIvor contends that evangelicals *may* reify and *potentially* render irrelevant their religious worlds—though no evidence is provided to support this purported effect.

The claim that evangelical activists are "trapped within [a liberal order's] conceptual frame" (25) is puzzling in light of McIvor's rich ethnography. Take her discussion of Christian Concern, the lobby group composed of Christian activists, which "exists to campaign against laws that undermine God's design for human flourishing," and the Christian Legal Centre, which "exists to defend those who, by refusing to compromise their biblical faith, have fallen foul of these laws" (32). One might expect litigators to strive for judicial victory, that is, winning cases. Crucially, however, and as McIvor observes, "it was rare for CLC lawyers to win a case" (42). McIvor's interlocutors clarify what "victory" means to them. At the weekly staff gatherings of Christian Legal Centre, Pastor Ade Omooba, a co-founder of Christian Concern, drew on examples from the Old Testament, among them Ezekiel. Ezekiel was sent by God to command the Israelites to turn from their idolatrous, sinful ways even as God also warned Ezekiel that the Israelites would rebuff his counsel. In a subsequent Bible reading, Pastor Omooba draws on Acts 5:17–42, in which a council of Jewish elders called the

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Sanhedrin order the flogging of Jesus's disciples. The apostles rejoiced though they were found guilty by the Sanhedrin. They did so, said the pastor, because "their commitment to speaking the Truth rendered them victorious in God's eyes" (44). In striking parallel, "Christian Concern's 'true victory' lay in standing for Truth, not success in the courts," McIvor explains. "'[E]ven if we win,'" Pastor Omooba reasoned, "'the best the courts can do is endorse the Truth. They don't define it'" (44). McIvor further notes that "[o]f the ten CLC claimants I met through Christian Concern, almost all viewed their CLC experience as an important part of their Christian journey. Even more so than testimonies (the spiritual life stories that play such a key role in evangelical culture), their accounts often read like narratives of vocation to the religious life, reflecting a sense of having been chosen for a particular task or mission" (131). The two exceptions are Christ Church members and former clients of the Christian Legal Centre, Kate and Jim, who, five years after their suit were ambivalent about whether "religious legalism" (119) was the correct path; importantly, however, they, unlike other clients of the center, inherited rather than instigated the case to which they were a party (135).

Many of McIvor's understated observations hold little weight in the final analysis. She suggests, for example, that Christian Concern's campaigns offer "a subtle lesson in the humility with which the divine ought to be approached," whereby "they channeled a very different model of functionality or rationality than that associated with secular, bureaucratic law, in which it is a 'means to an end'" (45). McIvor nevertheless concludes that activists who pursue rights-based claims undermine their purported interests; by challenging anti-Christian bias through the courts, they reaffirm Christian particularity rather than realize God's universal "blueprint" for humanity. At bottom, McIvor is critical of her litigious interlocutors, which may explain the discontinuity between what they say and do and how she theorizes their activities. Her criticism of them rests on an idea borrowed from Richard Amesbury that religion "is a fundamentally *secular* category" (369);[29] it also evinces the distrust of political authority that mars scholarship on religion and the state. On this view, the secular is a kind of epithet, the word scholars use to name a supposed failure of imagination that afflicts both state structures and those who shape their worlds in relation to them. It is in this vein that McIvor says Christian legal activists who advance claims within a statist framework "acquiesce[] to secular classification" (25), that they, following Mayanthi Fernando, are "caught up in the [law's] 'secular cunning'" (9).[30] Yet the social order evangelicals seek to enact through state law more plausibly demonstrates their social and theological conservatism, which McIvor names as such elsewhere in the book (see, for example, 4, 32, 54, 71). By McIvor's own account, interlocutors across her field sites understand England as divided between evangelicals and "non-evangelical outsiders" (17)—the saved and the unsaved. "Non-evangelical" is understood by them to mean not Christian. To this point, McIvor explains that "although I was raised Catholic, my interlocutors did not read me as 'Christian'" (17).

In *Representing God*, McIvor provides compelling evidence that evangelical legal activism in Britain has been influenced by "a confrontational, 'American' approach" (10), but the appropriateness of the analogy seems to mostly stop there. The US Christian right lobby has taken on issues as contentious as those spearheaded by the Christian lobby in England—abortion, same-sex marriage, conscientious objection, and so forth. But unlike the latter, American activists have secured significant judicial verdicts favorable to their theological

[29] Citing Richard Amesbury, "Secularity, Religion, and the Spatialisation of Time," *Journal of the American Academy of Religion* 86, no. 3 (2018): 591–615, at 592.

[30] Citing Mayanthi Fernando, "Intimacy Surveilled: Religion, Sex, and Secular Cunning," *Signs: Journal of Women in Culture and Society* 39, no. 3 (2014): 685–708.

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stance, often in marked contrast to public opinion.[31] The evangelical legal activists with whom McIvor carried out fieldwork are doing something more interesting, and perhaps even more complex, than their American counterparts. What makes Christian Concern and the Christian Legal Centre interesting for the study of religion and law is not their "willingness to argue freedom of religion test cases" (12) or even, as McIvor suggests, the novelty of Article 9 of the Human Rights Act 1998, the first domestic legislation in English legal history to enshrine a positive right to religious freedom. By insisting that a so-called "seismic shift in the state's regulation of religion" (4) has occurred in the twentieth and twenty-first centuries, McIvor gives only passing treatment to a significant phenomenon: Christian lobbyists and activists invoke a "temporal orientation" (35) to changing political and legal circumstances, whereby "an urgency born of both a forward-looking desire to revitalise and of the pull of an imagined past" (36) is deeply felt. As much as McIvor wishes to remark on legislative innovation and American-style lawyering, what strikes this reader as important is the link between the present, near past, and distant future asserted by the lobbyists and lawyers robustly engaged with state adjudicative procedures and institutions. Their cosmology is neither delimited by nor wholly dependent on statist ideologies. Instead, these activists are shaping their worlds in relation to the state; its legal system provides a forum for the public expression of evangelical conviction.

By the end of *Representing God*, I was more convinced that McIvor rehearses genres of argument about law and religion than of their suitedness to her ethnography. "Taking these cases, the debates they spark, and the narrative of which they are a part as its objects of ethnographic inquiry," writes McIvor in the introduction, "this book explores what Winnifred Fallers Sullivan, Robert Yelle, and Mateo Taussig-Rubbo call the 'awkward incapacity of secular law' to engage with religion as it is lived" (26).[32] Yet when one progresses in reading *Representing God*, one finds that at least half of McIvor's interlocutors, the litigious staff members at Christian Concern and the Christian Legal Centre's lawyers, do not think state law is deficient in this way. Here, as elsewhere in the book, a claim advanced by McIvor tells us more about her aversion to the state than why evangelicals challenge state law knowing they will almost certainly lose in court. Moreover, borrowing from John Comaroff the concept of "theo-legality"[33] to describe evangelicals' litigiousness—whereby law is sacralized and religion is juridified in the strategic appeal to and engagement with state law—overlooks key tenets of reformed evangelicalism that McIvor herself illumines. Among these is "an understanding of the relationship between faith and law [that] presumes the Bible and liberal democracy to be not just compatible, but genealogically linked, with Christianity having both civilising and liberalising effects" (33). Christian legal activists practice a more complex form of claims making than is distilled in the formulation that "faith aims to remake the world in its own image."[34] McIvor's ethnography shows vividly that when Christians claim to have been marginalized by England's political mainstream, they strive to restore what they believe to be a historic synergy between English law and Christian morality.

[31] In the October 2021 term alone, the Supreme Court decided several cases advanced or supported by Christian right legal activists, including *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022) (overturning *Roe v. Wade*, 410 U.S. 113 (1973), and ending constitutional protection for abortion access); *Kennedy v. Bremerton*, 142 S. Ct. 2407 (2022) (holding that a high school football coach's prayer on the field after games is protected under the First Amendment); and *Carson v. Makin*, 142 S. Ct. 1987 (2022) (striking down the state of Maine's prohibition on providing generally available tuition assistance to nonsectarian schools).

[32] Citing Winnifred Fallers Sullivan, Robert A. Yelle, and Mateo Taussig-Rubbo, introduction to *After Secular Law*, ed. Winnifred Fallers Sullivan, Robert A. Yelle, and Mateo Taussig-Rubbo (Stanford: Stanford University Press, 2011), 1–19, at 16.

[33] John L. Comaroff, "Reflections on the Rise of Legal Theology: Law and Religion in the Twenty-First Century," *Social Analysis* 53, no. 1 (2009): 193–216.

[34] Comaroff, "Reflections on the Rise of Legal Theology," 198.

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As for McIvor's other interlocutors, members of Christ Church, their approach to living in a world hostile to the public expression of Christian conviction remains undertheorized. Not personally invested in legal activism, they instead worry about how to fulfill their gospel-spreading obligations among friends, family members, coworkers, and acquaintances. "With heaven and hell hanging in the balance," McIvor says of the predicament faced by them, "failing to tell someone about Jesus was like letting them stumble into a crisis that you not only foresaw, but had a means of preventing; that a Christian who didn't evangelise was like someone who had found the cure for cancer, only to keep it to themselves" (143). One possible reason this insight is unaccounted for in McIvor's argument is that she primarily understands law through a statist framework, as a normative order generated and regulated by the state, even though McIvor notes that the Bible is an authoritative source that informs the behavior of all her interlocutors. In effect, although McIvor acknowledges the legal aspects of evangelical theology, it never rises to the level of state law in the author's theoretical conception of legal normativity. Christian theology, in this account, is religion not law.

Creating a World Apart

In 1977, Mario Cuomo, then governor of the state of New York, incorporated Kiryas Joel, an autonomous village composed almost entirely of Hasidic Jews from the Satmar dynasty. First located within the town of Monroe in Orange County, about sixty miles outside New York City, Kiryas Joel is named for Rebbe Joel Teitelbaum, the community's beloved founder. Having survived the Bergen-Belsen concentration camp in Germany, Teitelbaum arrived in postwar Brooklyn hoping to create a shtetl where his followers could strive for spiritual purity. Forty-one years later in 2018, Mario Cuomo's son and then governor of New York, Andrew Cuomo, signed a bill authorizing the creation of the new Hasidic town of Palm Tree, effectively severing Kiryas Joel from Monroe. The years 1977 and 2018 bookend *American Shtetl.* Nomi Stolzenberg and David Myers offer a complex account of "what it means to be an American and what it means to be a Jew in America" (19), one in which they also claim that Kiryas Joel is "quintessentially American" (9).

How can this be? Kiryas Joel has been criticized widely for transforming Orange Country from a rural haven into an overcrowded tract of multifamily buildings. Village residents are often construed as wrangling public funds and land to support their seemingly insular community. It is true that Kiryas Joel residents are different from most Americans in measurable ways. The town population is unusually young (60 percent of Kiryas Joel residents are below the age of eighteen, whereas nationally, the figure is 21.7 percent) and racially homogenous (98 percent are white, whereas nationally, 75.5 percent are). Each Kiryas Joel household is comprised of nearly six people (nationally, 2.60 people); 94 percent speak a language other than English at home (nationally, 21.7 percent do); fewer than 8 percent of residents ages twenty-five or older hold a bachelor's degree (nationally, 20.6 percent hold a BA); 32.8 percent live in households with a computer (nationally, 93.1 percent do); the median household income is $39,826 ($70,784 nationally); and 40 percent of residents live in poverty (the national average is 11.6 percent).[35] Satmar Hasidim are distinctive in other ways as well, in terms of dress, for example, and marriage conventions. Still, Stolzenberg and Myers insist that Kiryas Joel "is not an isolated island but an integral

[35] Kiryas Joel continues to grow. The population of Kiryas Joel increased from 25,000 in 2021—when *American Shtetl* was published—to about 39,000 as of July 2022. The July 2022 estimate was the most recent at the time this essay was written. US Census Bureau, Quick Facts: Kiryas Joel Village, New York, last accessed September 22, 2023, https://www.census.gov/quickfacts/fact/table/kiryasjoelvillagenewyork/PST045222.

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part of American society, a product of the country's political, social, legal, and economic institutions" (23).

Stolzenberg and Myers explain how the wish for a life apart from mainstream US society is not unique to Hasidic Jews. Mormons established an autonomous government with the founding of Salt Lake City in 1847. Following the 1954 *Brown v. Board of Education* Supreme Court decision, 347 U.S. 483 (1954), many Americans advanced separatist projects in what otherwise was the heyday of integration. By the 1970s and 1980s the separatist impulse took root not only among conservatives like Reverend Jerry Falwell. Proponents of the Black Power movement also advanced a program of economic self-dependence for African Americans; disavowing white society was key to that vision. Stolzenberg and Myers liken Kiryas Joel to Rajneeshpuram, a community in Wasco County, Oregon. Rajneeshpuram was incorporated as a city by followers of Bhagwan Shri Rajneesh in 1982. Like the Rajneeshees, Kiryas Joel residents had often hostile relationships with their neighbors, who viewed these new arrivals as strange and insular and hungry for land. The 64,000-acre ranch built in Wasco by Rajneeshees unsettled the small adjacent retirement community of Antelope that, alongside other residents, challenged the nonagricultural uses planned by the commune. Satmar Hasidim, for their part, were initially welcomed by Jewish residents of Monroe, where Jewish life revolved around Reform and Conservative synagogues. But the Satmars "were not much interested in interacting with any of the residents of Monroe, Jews or otherwise," which led to "a confrontation between two radically different types of American Jews" (21). Yet unlike the Rajneeshees, whose community was dissolved soon after a 1984 court order finding that recognition of the municipality violated the First Amendment, residents of Kiryas Joel have thrived through four decades of continuous litigation.

While the history of legally incorporated separatist communities did not begin in the late twentieth century, it was revived during Ronald Reagan's presidency alongside and supported by an exaltation of private property rights (12). In the 1970s, followers of Rabbi Teitelbaum looked to other Hasidic communities that had successfully established shtetls in the United States before settling in Orange County. New Square, for example, was founded in 1961 by Rebbe Twersky in neighboring Rockland County. It was by exercising the right to private property that sectarian groups in the United States, Satmar Hasidim among them, have been able to "cement the social bonds on which enclave societies depend" (14). Stolzenberg and Myers call the phenomenon of using free-market mechanisms such as private property and contract rights—as well as individual rights to freedom of religion and association and freedom to determine how one's children are raised and educated—to create culturally homogenous enclaves "communitarianism from the bottom up" (13). In contrast to top-down mechanisms that extend government protection to subgroups, bottom-up communitarianism enables citizens to create private property associations. Whether established by individual property owners or by privately owned collectives, property associations hold title to property on which members are granted the right to live. Residents of Kiryas Joel engaged in "unwitting assimilation" whereby they learned how to participate in partisan politics locally and nationally all while pursuing their separatist aims (4–13). Stolzenberg and Myers suggest that "The combination of knowing how to fight *and* how to build alliances, particularly at the local level, has enabled Kiryas Joel to become one of the most successful examples of local sovereignty in American history as well as in the history of modern Jewish communities in the Diaspora" (380).

This use of free-market mechanisms is emblematic of life in American suburbs. "Orthodox Jews," Stolzenberg and Myers write, "left the city in search of the same things other suburbanites were looking for—respite from the noise, grime, and congestion" (127). They compare Kiryas Joel, to which thousands of Joel Teitelbaum's followers travel annually to commemorate his legacy, to another notable site in the suburban idyll of Orange County, New York: Woodbury Common, a high-end shopping mall built to look like an American

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colonial village and which, since opening in 1985, has attracted millions of visitors. Kiryas Joel, like Woodbury Common, "has been deliberately designed to evoke a traditional past. But the cultural heritage to which KJ lays claim is very different from the one evoked by Woodbury Common. The Common, as its name reflects, is an exercise in nostalgia for a colonial American past; Kiryas Joel, by contrast, expresses nostalgia for … the past of European Jewry embodied in the shtetl" (1). The high degree of residential segregation emblematic of the American suburb, including its racial and economic homogeneity, was the result initially of zoning laws developed during the William G. Harding administration, which sought to exclude low-income Americans through restrictions on home ownership that disproportionately disadvantaged Black families (127). While the Satmars of Kiryas Joel "deviated from the conventional suburbanite profile in terms of income level, educational choices, and residential preferences, they have exhibited a growing comfort with suburban habits and behavior," like voting community members onto public education boards (127–28).

Readers of *American Shtetl* will find a nuanced account of the many legal battles in which Kiryas Joel has been embroiled—from disputes over land annexation and municipal building codes to the constitutionality of the village's school district. Stolzenberg and Myers also carefully explore the line between individuality and conformity among the Satmars, challenging outsiders' view that the ultra-Orthodox are a social monolith. Some of the most riveting discussions of law and religion appear in the chapters that unpack the controversy over succession in the Satmar dynasty. This ensued between Hasidim in Kiryas Joel and Williamsburg following the death of Joel Teitelbaum in 1979 and the subsequent appointment of his nephew, Moshe Teitelbaum. The first waves of internal opposition among Satmar Hasidim developed in the 1980s and centered on Alta Faiga, Teitelbaum's widow, followers of whom subsequently established their own parallel institutions within Kiryas Joel, thereby challenging Moshe Teitelbaum's authority and leadership. What Stolzenberg and Myers call "Jew vs. Jew friction," following Samuel G. Friedman, not only describes relations between different factions of the ultra-Orthodox in the United States but also illumines tensions between the Satmars of Kiryas Joel and various other groups of American Jews: their Jewish neighbors in the town of Monroe who perceived the Satmars as unwilling to assimilate; Jews in New York City who held opposing views on disability rights; and a much broader contingent of American Jews who support the state of Israel, whereas the Satmars, following Joel Teitelbaum's example, maintain a strictly anti-Zionist position. *American Shtetl* also provides needed texture to the frequently sensationalized stories of Satmars who leave Kiryas Joel, many of which have been packaged for easy television viewing. Stolzenberg and Myers, whose methodology includes individual and group interviews with Kiryas Joel residents, address head-on the division of gender roles in the community, finding that even as some members disagree with the constraints they experience as women, the overwhelming majority not only stay but, as one woman explained, also "believe in the virtue of the way of life in Kiryas Joel, particularly in ensuring the ongoing Jewish identity of her children" (49).

American Shtetl is unburdened by a number of scholarly preoccupations, among them an understanding of law as specifically or only positivist and a vigilance against the category of religion as state technology. Stolzenberg and Myers use an expansive definition of law that becomes evident when, for example, they accept the legality of religious strictures that shape social organization in the Satmar world alongside the municipal codes, statutes, and constitutional amendments at the heart of local and national litigation. All of these things are law.[36] Moreover, Stolzenberg and Myers show that status distinction is broadly

[36] The vastness of what can be denominated *law* and *religion* is discussed in Winnifred Fallers Sullivan and Robert A. Yelle, "Law and Religion: An Overview," in *Encyclopedia of Religion*, 2nd ed. (New York: MacMillan

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consequential across normative orders—in whether, for example, private residences can be used for commercial purposes or the age at which the *mitzvah* to bear children becomes expected. *American Shtetl* additionally differs from other recent books that attribute to state categories a distinctive and coercive salience despite the fact that these categories are sometimes used meaningfully by the people they study to describe their social affinities.[37] For these reasons, *American Shtetl* should be widely read by religious studies scholars and legal scholars of law and religion—in and beyond the United States .

Conclusion

In his concluding chapter to *Anthropology in the Margins of the State*, Talal Asad considers Veena Das's contribution to the volume, suggesting that "[i]n order to identify the margins of the state, we must turn to the pervasive uncertainty of the law *everywhere* and to the arbitrariness of the authority that seeks to make law certain."[38] Whether *law* in this formulation is understood narrowly in the positivist sense or more broadly, both *Representing God* and *American Shtetl*, by way of their principal actors, indicate the margins of the state might be found elsewhere. Evangelicals in England and Satmar Hasidim in the United States are marginal to two contingents of leftist academic discourse: scholars, discussed at the start of this essay, who see liberation as a necessarily anti-statist project and others who imagine religious diversity as a common good necessarily facilitated by the state.[39] Litigious evangelical Protestants and Satmars seek neither outcome—not liberation from political authority and not assurance of multicultural relativism. Nor do they understand the state and communal laws that shape their actions as uncertain or sustained by an arbitrary authority. This is not to say members of these communities are unequivocal in their views. English evangelicals have disagreed over whether wearing crosses and purity rings is needed to be a Christian, which maps onto the question considered by the European Court about whether the wearing of religious objects qualifies for protection under the European Convention (see McIvor, chapter 2). Since 1979, the succession controversy in the Satmar world has spilled into nearly a dozen courts in New York State, where judges have ultimately refused to adjudicate what they deem an essentially religious question (see Stolzenberg and Myers, chapters 4, 5, and 7). Across these intracommunal disagreements, evangelicals and Satmars cultivate different approaches to a world hostile to their convictions all while working through not beyond or against the modern state whose norms inform rather than determine their ways of life; the plurality of being and belonging evident therein is

Reference, 2005), 5325–332; Mona Oraby and Winnifred Fallers Sullivan, "Law and Religion: Reimagining the Entanglement of Two Universals," *Annual Review of Law and Social Science*, no. 16 (2020): 1–20.

[37] See, for example, Melissa May Borja, *Follow the New Way: American Refugee Resettlement Policy and Hmong Religious Change* (Cambridge, MA: Harvard University Press, 2023); Maya Mikdashi, *Sextarianism: Sovereignty, Secularism, and the State in Lebanon* (Stanford: Stanford University Press, 2022).

[38] Talal Asad, "Where Are the Margins of the State?," 287.

[39] In the latter camp are political theorists and philosophers and legal scholars of law and religion, many of whom and are committed to a political liberalism in dialogue with John Rawls. See, for example, Cécile Laborde, *Liberalism's Religion* (Cambridge, MA: Harvard University Press, 2017); Jocelyn Maclure and Charles Taylor, *Secularism and Freedom of Conscience*, trans. Jane Marie Todd (Cambridge, MA: Harvard University Press, 2011); Ronald Dworkin, *Religion without God* (Cambridge, MA: Harvard University Press, 2013). On US law, see, for example, the following: Douglas Laycock, "Religious Liberty as Liberty," *Journal of Contemporary Legal Issues* 7, no. 2 (1996): 313–56; Lawrence Eisgruber, Richard Shragger, and Micah Shwartzman, "Against Religious Institutionalism," *Virginia Law Review* 99, no. 5 (2013): 917–85; Nelson Tebbe, *Religious Freedom in an Egalitarian Age* (Cambridge, MA: Harvard University Press, 2017); Andrew Koppelman, "Religion's Specialized Specialness: A Response to Micah Schwartzman, What If Religion Is Not Special?, 79 U Chi L Rev 1351 (2012)," *University of Chicago Law Review Online* 79, no. 1 (2013): 71–83. Winnifred Fallers Sullivan has written extensively about the work of defining religion for the purposes of law. See, for example, "Why Distinguish Religion, Legally Speaking?," *San Diego Law Review* 51, no. 4 (2014): 1121–33.

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encompassed by, on one hand, the universalism of Christian theology and, on the other hand, the supreme obligation to follow the path of ancient Israel.

For Christian legal activists, disengaging from the state wholesale would amount to turning away from Christianity itself. As McIvor explains, they believe that the United Kingdom's legal and parliamentary systems are built on a foundation of Christian values, including civil liberties like freedom of association, speech, and religion, all of which they perceive to have been degraded by legislation permissive of sinful behavior. These views are not only held by prominent figures like Andrea, CEO of Christian Concern and the Christian Legal Centre. Maria, a lawyer for the Christina Legal Centre, "explained that although 'some people would like us to forget that Britain does have a Judeo-Christian heritage,' it was from this heritage that 'we've got all our freedoms,' freedoms 'based on what God says and how that's been brought into society hundreds of years ago'" (33). The staff of Christian Concern thus understand Christian principles and Christian people in a Christian nation to have come under attack by human rights law that distinguishes between conviction and action and ultimately limits the public expression of their duty to share the gospel with others. On this reading, the human rights framework is not understood by Christian activists as arbitrary but proof of a currently "intolerant and ethically bankrupt state" (85). The temporality of this claim is important: moral bankruptcy afflicts England today but not the England of a not-so-distant past or the one it may yet become. Moreover, they strive through legal activism to reveal the internal inconsistency of the human rights framework, one that "does not work on its own terms" (87) and, unlike evangelical Christianity, "has no comprehensive vision of the good" (149, see also 87). Their public engagement in the immediate present matters for attaining a "heavenly eternal destiny" (7–8). What makes these activists "conservative and radical" rather than "defensive or reactionary," therefore, is undertaking initiatives "for an alternative vision of human flourishing that emphasises the transcendent Truth of the Bible," which "expresses a longing for what is both a formerly and future Christian nation" (43).

In a different yet complementary way to evangelical legal activism, Satmar "hyper-litigiousness" (384) studied by Stolzenberg and Myers shows that the liberal right to property is symbiotic with the desire for homogeneity and religious uniformity. In contrast to their prewar ancestors, American Hasidim, "as a measure of earthly and divine compensation," believe "they are entitled to live their religious lives without external hindrance or prejudice" on account of both the significant losses they incurred during the Holocaust and as US citizens (128–29). A formidable voting bloc often courted by US politicians, the Satmars have learned to play the game of American interest-group politics deftly; this game "both encourages the pursuit of individual self-interest through the exercise of individual rights *and* facilitates the creation of private associations, which enjoy what are in effect collective rights, exercised in the pursuit of a group's collective self-interest" (129). To this point, Rebbe Teitelbaum did not initially imagine the shtetl on American soil as a public entity. Yet by purchasing and developing land and inviting other Hasidim to settle on it, he and his close associates transformed Kiryas Joel from a private enclave to a separate municipality—equal parts an elected local government, a subdivision of New York State, and "a self-contained paradise of Jewish observance" (82). Rights guaranteed to US citizens who meet the strictures of land ownership are central to this story. In effect, although the Satmars do not view the United States as a Jewish nation, nor the institutions of liberal democracy as essentially Jewish, these institutions have nevertheless enabled the flourishing of Kiryas Joel and other separatist micro-societies in ways unimaginable elsewhere.

Like conservative Christians in England, American Hasidim mobilize state law to fortify their values rather than blend into a political mainstream. English evangelicals view their values as both universal and foundational to a historically Christian nation and therefore

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common to all Brits, even though Bible-believing Christians face unique challenges in the public manifestation of their faith. It is in this sense that they embrace marginalization based in perceptions of harm. By contrast, the values American Hasidim uphold are by definition not common to all Americans or all Jews. In fact, when Rebbe Teitelbaum first settled in Williamsburg and sought to ensure the purity of Torah observance, he was not concerned with "the majority of American Jews scattered across different denominations but rather the small circles of Haredim" in the United States, which many postwar immigrants understood "as a *treyfe medine*—an unkosher and impure country" (120). Satmars invented a new form of Judaism to safeguard Jewish tradition. In so doing, they at once became a minority within Orthodox Judaism yet "the largest Hasidic movement in the world" (4). As a subdivision of the state of New York, Kiryas Joel has also fought ceaselessly for public benefits due to its residents—water, electricity, housing, education, and welfare relief—on the basis of this status. When Stolzenberg and Myers describe Kiryas Joel as a uniquely successful example of "local sovereignty" (380), what they mean by sovereignty is self-government. Satmar Hasidim realized their communal goals by "becoming American and absorbing American values and practices into their own political culture" (116). This process may seem to contravene their avowed "[f]ealty to the ideal of an unchanging tradition," whereby, in the words of the Hatam Sofer, "innovation is forbidden as a matter of Torah" (36). Yet the community's insularity from the outside world was crafted through strategic alliances, demonstrating that separatist communities can draw from and be shaped by surrounding cultures without surrendering to them (50). This is what happened in 2019 when Kiryas Joel and the town of Monroe agreed to "a long overdue writ of divorce" (373), creating the town of Palm Tree that would replace Monroe as the town of which Kiryas Joel is a part.

The activism of American Haredim and the Christian right lobby in England calls into question Mamdani's two-pronged claim—that minority status is a "forgoing of sovereignty" and "[t]he state will never exist in the image of the minority, which renounces any political project that would change the character of the state."[40] By definition, minority status has enabled Satmar self-governance in the United States through property rights regimes that sanction separatism as a matter of law. This is why Kiryas Joel and other American separatist communities are able to exist as political enclaves that fuse religious and civil authority even as the Constitution prohibits the establishment of religion. As Stolzenberg and Myers demonstrate, communitarianism from the bottom up does not contravene constitutional law but clarifies the permeable boundaries of religion and state in America, including the degree to which social homogeneity and political empowerment are at once broadly desirable and uniquely facilitated by US political, economic, and legal institutions. At the same time, the position articulated by evangelical legal activists in England shows that morality is in no way derived from the state, a disposition toward divine salvation they share with Hasidim. Though McIvor is ultimately suspicious of religious legalism, claiming a minority status within a Christian majority state draws attention to this often-overlooked feature of evangelical theology as it is lived in the twenty-first century. Finally, even as the Satmars view "the modern age as the very embodiment of contamination" and the state of Israel as "the chief source of impurity in the world" (85), neither position forecloses strategic engagement with liberal democratic institutions or non-Jewish allies. In fact, what makes Satmar Hasidim and evangelical Christians important to the study of contemporary law and religion is their readiness to advance claims through some sovereign political forms and not others. For their part, the Satmars are unbending critics of Israel, which they deem an "alien

[40] Mamdani, *Neither Settler nor Native*, 7.

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political form that blinded and deceived Jews, prompting them to place the value of the idolatrous state above that of the holy Torah" (85).

Satmar Hasidim and Christian legal activists are anomalous in the academic discourse about law, religion, and the state today; they hold fast to a conviction whereby they are distinct from and superior to outsiders as well as certain of their status as rights holders in liberal democracies.[41] There is no liberal (statist) or liberatory (anti-statist) framework that holds the legal claims advanced by either the Satmars or Christian Concern. In both cases, but differently, the state is instrumental, but not only instrumental. It is the ground for a politics that exceeds it, a present and a future past simultaneously. The state is negotiated as both an extrinsic and intrinsic phenomenon—a formation external to their cosmology yet central to its realization. What are political liberals and liberationists to make of these problems for thought?

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[41] In this they are not alone. As Nicholas H. A. Evans shows in his study of the Ahmadiya Jama'at in northern India, considered the minority among a minority of Muslims, "many Ahmadis—despite their enthusiastic participation in pluralistic societies—remain uncompromisingly convinced of the absolute primacy of their own religious truths, and the corresponding *wrongness* of everybody's else's." Nicholas H. A. Evans, *Far from the Caliph's Gaze: Being Ahmadi Muslim in the Holy City of Qadian* (Ithaca: Cornell University Press, 2020), 3.

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