Abstract

Surveillance is often understood as simply a tool for collecting information, and opposition to the surveillance practices of the US government frequently relies on the analytical framework of privacy and rights violations. Other critical analyses of surveillance practices use the lenses of racial discrimination and/or neocolonial political domination. While all of these are valuable approaches, they downplay the extent to which specific modes of existence and ways of being have been targeted in the current surveillance paradigm. In this paper I discuss the role of religion and its relationship to the law—in other words, the state’s control of “appropriate” religion—in defining surveillance practices. Using critical interpretive and deconstructive readings of the discourse surrounding the surveillance paradigm, I show that surveillance is used as an instrument to revise and alter modes of non-Western moral and ethical life and to render human subjects more suitable for assimilation into the burgeoning secular/liberal world order, including its concept of “appropriate” religion. I argue that the current mode of government suspicion and surveillance in the US continues long-standing demarcations between acceptable and unacceptable religion in secular law (and in liberal/secular Western societies more broadly), and I demonstrate how this paradigm subordinates and marginalizes non-Protestant religions. In order to fully understand the US surveillance state, we need to pay attention to the way that secular order attempts to define and shape non-Protestant religions and in so doing endangers its own democratic principles of tolerance and neutrality.

Introduction

Since the inception of its War on Terror, the United States government has embraced an approach that specifically targets practitioners of Islam. In addition to the broad and formalized profiling of Muslims carried out by legislators, law enforcement agencies, and other state officials, the government has adopted programs that seek to alter certain orthodoxies of Islam that the state suspects of fostering militancy. In effect the state has actively sought to “reform” the practices of Islam from within (Haddad et al. 2004; Haddad and Golson 2007; Mahmood 2006). Through extensive surveillance activities, preemptive “terrorism” prosecutions, and ideologically oriented “counter-extremism” programs, the US government has made a concerted effort to interfere with the ways in which Muslims practice their faith and experience their lives. Symbols of “excessive Muslimness” have been officially identified as markers of potential criminality, and diasporic Muslim communities in the US have been subjected to widespread state infiltration and monitoring. These efforts are supposedly based on the desire to make the world safer, but a critical examination of state discourses reveals that a particular religious ideology underpins the state surveillance and the broader national security apparatus. I will describe in this paper how the inordinate
amount of control, surveillance, and violence inflicted on the American Muslim community is actually grounded in Protestant ideologies incorporated into the law and drives state policies and actions.

Many advocates in the US civil liberties community have been resisting these security practices and what they regard as “unlawful surveillance.” The main argument presented in the civil liberties discourse is that post-9/11 security policies have been applied selectively toward Muslims, violating the rights enshrined in documents such as the US Constitution and the UN’s Universal Declaration of Human Rights (e.g., Cole and Dempsey 2002; Huq 2011; Aziz 2014; Rovner and Theoharis 2012; Akbar 2013, 2015; Torres et al. 2015; Said 2015; Greenberg 2016; Patel and Koushik 2017; Kundnani 2014; Kundnani and Kumar 2015). While some claim the state has racialized and excluded Muslims throughout US legal history based on Orientalism (Beydoun 2013, 2015, 2016a, 2016b, 2018), the prevalent view is that a lack of respect for individual rights is the fundamental basis and problem of the surveillance state. Primarily oriented toward analyzing new legislation, constitutional violations, and law enforcement strategies, this discourse maintains that re-instituting the pre-9/11 constitutional and human rights standards would end the unnecessary violations of rights. A closer examination of this discourse, however, shows that it does not fully address the reality of how surveillance and securitized measures have been enacted by the state using “lawful” means throughout US history based on the law’s definition of “religion.” The civil liberties attempt to restore earlier standards of US law does not provide a robust opposition against such long-standing legal and religious prejudice.

As I discuss in more detail below, the organized suspicion and surveillance of non-Protestant religions has been established in secular law and governance ever since the foundation of the modern Western state in seventeenth-century Europe. The control of religions and the state-sanctioned demarcation between “good” and “bad” religion have been a historically entrenched and consistent aspect of modern law and political systems in the West (Sullivan et al. 2011; Massad 2015; Asad 2003; Agrama 2012; Mahmood 2015; Hurd 2015). While the control of religion and religious expressions is an aspect of many different societies worldwide, both current and historical, it needs to be clearly emphasized here in the US due to the normative claim of secular law as being separated from religion and the modern state’s conceits of “neutrality.”

The current excessive surveillance of American Muslims can be understood as a heightened expression of a long-standing Euro-American and Western liberal and secular paradigm and an attempt to subdue and alter moral and ethical life-worlds that do not fit that paradigm. I argue that this organized suspicion and surveillance is a method of social control intended to reproduce a certain mode of existence that is acceptable to Western sensibilities. In this regard, the targeted surveillance of Muslims is not just a matter of maintaining racial exclusion or cultural hierarchies in the service of capitalist economic power. Such analyses, while valuable and necessary, tend to omit the way in which surveillance functions to forcefully internalize desired values, categories, and “ways of being, living, and experiencing” within the targeted population. I will show that the effect of monitoring the Muslim community in the US is really about reorganizing the internal cosmology of Islam in a way that is conducive for the political project of liberalism.

By analyzing the discourses surrounding the current US surveillance paradigm, we can bring out and make explicit the ideologies and cultural beliefs that frame the actions of state agencies. Interpretive, historical, and deconstructive readings of government reports and documents reveal the interconnection of religion and law and the broader social and political meanings of securitized practices. Through such readings, I make three interrelated arguments in this paper: (1) The secular security state is not religiously “neutral” but is instead foundationally connected with Protestant Christian ideologies and cultural beliefs; (2) Surveillance as an instrument of the state operates to regulate, control, and alter Islamic orthodoxies to render Muslims more suitable for secular societies; and (3) Opposition to “unlawful surveillance” from civil liberties groups does not fundamentally oppose the power of the secular state over minority religions.
Background: The Political Project of Secularism

Diverse segments of secular Western society—including conservatives and many progressives, leftists, and liberals—have openly advocated a project of “secularizing” Islam by revising the religion’s conventional beliefs and practices about the role of religion in social governance (Mahmood 2006; Harris 2005). This desire to reshape Islam has been prevalent in the US through both Democratic and Republican administrations (Delreal 2016; Hunt 2016). Often relying on Orientalist framing and conflating Islam with terrorism, it is grounded in a fantasy that Islam is inherently violent and a despotic system that seeks to overturn the secular/liberal order of Western societies, and that the religion as a whole must therefore be reformed, controlled, and brought under the umbrella of the secular/liberal world order.

Western commentators typically characterize Islam as a political ideology that seeks to conquer and dominate Europe and America. For example, conservative Oklahoma Republican Senator John Bennet declared in 2014 that “Islam is not even a religion; it is a political system that uses a deity to advance its agenda of global conquest” (Branch 2014; Jenkins 2016). Similarly, former National Security Advisor Michael Flynn stated, “Islam is a political ideology . . . [that] hides behind the notion of it being a religion” (Coca 2016). Anti-Islam activists David Yerushalmi and Frank Gaffney have likewise argued, by reducing the very heterogeneous, flexible, and grassroots-focused Muslim ethics of sharia to a rigid doctrine, that it is a dangerous political ideology that Muslims hope to impose on the United States (Center for Security Policy 2010).

Prominent secularist thinkers and organizations in the US, such as the American Humanist Association and the atheists Sam Harris and Bill Maher, also hold similar views and see Islam as a threat to secularism, individual rationality, and autonomy. These commentators have passionately advocated for “reforming” Islam so that it will not endanger secular governance (Harris 2005; Jalabi 2014; American Humanist Association 2015; Hains 2016; Khalil 2017). In addition to being unsympathetic to Islam, what all of these widely publicized perspectives seem to have in common is the absolute conviction that their own tradition has already achieved an admirable standard of separation of church and state where religion is not mixed with politics and law.

The reductive view of Islam as a dangerous and conquest-oriented religion in these statements is simply false—a long-standing prejudice rooted in Orientalism (Said 1979; Arjana 2015). Even more importantly, however, these statements reveal the lie about the supposed principles of toleration of difference and neutrality of secular societies. This discourse demonstrates that there is in fact a definitive secular outlook about what constitutes acceptable and unacceptable religion. When seeking to understand the surveillance and security measures directed toward Muslims, it is important to start with an awareness of the dichotomy of secular/religious and its relationship with a particular ideology and ethos that situates Islam as an inherent social threat and, often, as “not even a (legitimate) religion.”

Anxieties about Islam, and about the presence of Muslims in Western societies, have simmered and sometimes exploded in Europe and America for hundreds of years. Recently, the fear of Islam has once again grown into a full-blown moral panic. Some of this polarization may be attributed to the 9/11 attacks and increasing immigration from Muslim countries, which have given the religion a higher public profile in the West. However, there are other contributing factors that led to a rise in anti-Muslim prejudice even before 9/11. Part of the rise in prejudice may be attributed to the need to identify a new external enemy to replace the now-defunct communist “Other,” and to thereby keep Western citizens’ focus away from the internal problems of their own society. The Soviet Union no longer provides a cohesive external danger around which to rally support, and so a new “clash of civilizations” emerges, based on the notion that Islam seeks to dominate the West. It is notable that this idea was propagated widely through the writings of authors such as Samuel Huntington (1993) shortly after the collapse of the Soviet Union—but well before the World Trade Center attacks of 2001 or the rise of ISIS. Through this discourse of conflict, the West positioned Islam as a threatening opponent and defined its own internal identity at least in part by
the way it constitutes a difference from Islam. Then the West continued to promote this conflict through military actions and expanding US state power in the Middle East, a process that persists today.

To fully understand the roots of Euro-American fantasies about Islam, it is important to consider how Western concepts of appropriate religion, secular law, and the modern state all emerged together in the context of seventeenth-century Europe. It was during this period when current Western understanding of religion, autonomy, and tolerance, among other cultural and legal norms, developed. After a series of devastating political and sectarian wars among various Christian factions (known collectively as the European Wars of Religion), exhausted Western societies developed a new political paradigm in which religion was re-defined and at least somewhat reduced in political influence. The domain of governance and military power was given over to the newly emerging secular/liberal state.

The doctrine of toleration was one of the guarantees of this new secular/liberal system in early-modern Europe. This development was a triumph for humanists and rationalists; but it also dovetailed with the ethos of religious individualism that was the hallmark of the Christian Protestant movement. The Protestants, who were themselves a product of the humanist/rationalist direction in Europe, largely embraced secularization because it eroded the power of the Catholic Church and rendered religious practice a matter of individual conscience. The secular conception of religion was well-suited to the Protestant view of “true” religion as a private matter, as opposed to the “false” religion of external rituals, communal activities, and Church authority.

As the regime of secularism and Protestantism co-consolidated in Europe, the practices of Catholicism—most notably allegiance to the Pope and to the Vatican—became suspect and were viewed as a serious political threat. Catholicism was seen as a dangerous “political” religion that jeopardized the sovereign authority of the secular state. In many of the newly secular European states the practice of Catholicism was officially criminalized, and suspected Catholics were put under state surveillance (Weil 2011). This historical moment laid the foundation of the secular/Protestant paradigm of permissible and impermissible religion, which has continued to the present, and provides an underlying ideological template for the suspicion and need for control that many Western secular states have brought to bear on Muslim communities.

Integrated with Western colonial and capitalist expansionism, the secularization project has grown far beyond Christian Europe and become the dominant global paradigm of governance. Two models of secularism are very prominent in the West today. French laïcité is a form of secularism that attempts to banish religion completely from the public sphere. Another form that is structurally entrenched with law and politics and influences public discourse emerges from a Judeo-Christian genealogy that claims to give all religions equal access to public life. In both camps, religion in general is understood as irrational and incompatible with secular order. But within both paradigms the privatized religion of Christian Protestantism continues to flourish and, ironically, to wield a tremendous amount of social and cultural influence, particularly in the US where the Protestant concept of religion is acceptable and other religions are seen as dangerous and in need of aggressive “alteration” to become more privatized following the Protestant model.

**Protestant Ideologies and the Indeterminacy of “Radicalization”**

The various surveillance measures that US authorities have enforced on the Muslim diaspora in recent years are often described as necessary to thwart “radicalization” or “extremism” and protect against the specter of “homegrown” Islamic terrorism. In addition to investigating criminal activity, the Federal Bureau of Investigation (FBI) under the US Patriot Act is also allowed to gather information for intelligence purposes, including cultural and behavioral information about American Muslims, even when there is absolutely no indication that the persons being investigated are linked to criminal conduct (Mukasey 2008; FBI 2009). The FBI is also allowed to recruit state and local police as well as private
investigators into this broad-reaching surveillance effort. The collected information is shared between state agencies and analyzed to identify “radicalized” individuals.

The amorphous concept of “radicalization” is rarely defined as it applies to Muslims, but it seems to combine a sense of alarm about public displays of religious observance with fantasies and fears about “terrorist” violence. For example, John Miller, the director of public affairs for the FBI, stated before the Senate Committee on Homeland Security that the root of “radicalization” is to be found in the basic tenets of Islamic faith and that individuals become radicalized due to the influence of authoritative religious leaders (Miller 2007). In another House Homeland Security Committee hearing, Donald Van Duyn, the deputy assistant director of the FBI’s Counterterrorism Division, defined radicalized Muslims as those who appear to have assimilated but who reject the cultural values, beliefs, and environment of the United States. He also stated that such Islamic “radicalization” is one of the main concerns of the FBI (Van Duyn 2006). While clearly indicating that the basis of “radicalization” is found in Islamic doctrines, these statements also leave a lot of flexibility when it comes to determining who might be declared worthy of suspicion.

Although the New York Police Department (NYPD) initially retracted their questionable theories, leaked documents revealed in 2011 that the NYPD used its ideas about “radicalization”—as published in their 2007 report, “Radicalization in the West: The Homegrown Threat”—as a basis for monitoring Muslim Americans (Apuzzo and Goldman 2011). A federal court ruled against these NYPD practices in early 2018, calling into question the report’s tremendous influence in counterterrorism practices (Muslim Advocates 2018; Patel 2011; Patel and Koushik 2017). It is worth examining the NYPD report in detail as an example of anti-Muslim sentiment among state authorities. The language of the report reveals the ways in which Protestant ideologies undergird much of this bias in evaluating non-Protestant religions.

The report clearly states, “there is no useful profile to assist law enforcement or intelligence to predict who will follow this trajectory of radicalization” (NYPD 2007: 8). Since there is no clear path to terrorism, it instead indicts the entire Muslim community:

- Within diaspora Muslim communities in the West, there is a certain tolerance for the existence of the extremist subculture that enables radicalization. . . Individuals who are attracted to radical thought usually live, work, play, and pray within these enclaves of ethnic, Muslim communities. (NYPD 2007: 20)

The report also says that since leaders of some terrorist organizations (i.e., Al-Qaeda) no longer exist, it is purely religious/political ideology that is responsible for “radicalization.” This ideology thrives in myriad spaces from the Internet to local mosques and influences vulnerable youth to carry out “autonomous jihad” in the West (NYPD 2007: 5–6, 14, 16). The report states that “religious seeking” youth undergoing identity crises and social problems are susceptible to such messages and become attracted to certain versions of Islam, specifically Salafism (NYPD 2007: 6). Instead of explaining the various strands of Salafism and Salafist reform movements, the report reduces it to a message of violence.

The stages that lead toward “radicalization” in the report include such relatively innocuous items as attending mosque, giving up cigarettes, growing a beard, wearing traditional Islamic clothing, and becoming involved in social activism (NYPD 2007: 20). Behaviors associated with radicalization include joining a group of like-minded people that “help facilitate the individual’s continued departure from the secular world and all the things it represents” (NYPD 2007: 36–7, emphasis added). The report also remarks, “rather than seeking and striving for the more mainstream goals of getting a good job, earning money, and raising a family, the indoctrinated radical’s goals are non-personal and focused on achieving the greater good” (NYPD 2007: 36, emphasis added). In a similar vein, “[d]espite the economic opportunities in the United States, the powerful gravitational pull of individuals’ religious roots and identity sometimes supersedes the assimilating nature of American society which includes pursuit of a professional career, financial stability and material comforts” (NYPD 2007: 8, emphasis added).
References to radicalization in the report are thus intertwined with law enforcement’s efforts to measure psychological, ideological, and theological change in individuals. Similar to the statements by FBI officials above, the NYPD conceptualizes “radicalization” as a foreign influence threatening the values of US consumer culture and personal material success. “Religious seeking” individuals, who are considered “radicalized,” instead turn toward the “greater good,” which presumably refers to communal goals and/or other-worldly benefits. In other words, if someone does not align with profit-seeking material success and consumerism but instead focuses on spiritual or communal outlooks, then one may be targeted as suspicious and potentially “dangerous.”

The report creates a stringent binary between material and immaterial goals, that is, between secular/profane and religious/sacred goals and translates this onto those exhibiting external cultural and religious markers. The underlying foundation of these binary categories subscribes to Protestant cultural values and beliefs, particularly Calvinistic work ethics and rationality, which emphasize, according to some Western commentators, success in material life, hard work in the secular world, and conscientious responsibility (Weber [1918] 2002). The document reduces markers of Islamic piety to mean benefit only for the immaterial world and does not acknowledge the meaning of “religiosity” from the perspectives of other faith traditions, in this case Islam, whose concepts of piety/sacred and secular/profane may be different and not necessarily in conflict with each other. It imposes Protestant/Calvinistic cultural values and concepts of religion/immaterial and secular/material in translating Islamic piety and evaluating diverse groups of Muslims.

Another central theme in these statements and reports is that the “radicalized” individuals are presented as having succumbed to outside forces rather than having made a personal rational choice. According to the NYPD report, it is the local “spiritual-sanctioner,” a self-taught scholar, who provides the impulse toward undesirable views to vulnerable persons (NYPD 2007: 9). The subtext of this discourse seems to be that no reasonable freethinking person in the US could possibly be drawn toward a stronger religious identity, so anyone who adopts orthodox Islamic practices must be alienated from their “true,” autonomous self and under the influence of “terrorists.” The discourse evinces a pervasive suspicion of religious community, shared identity, and desire for a “mode of existence” that stands in contrast to the private soul-searching and individualism of Protestantism. When any expression of piety can be labeled as a result of foreign intrusions, the groundwork is laid to justify surveillance and control and ultimately the “rescue” (by criminalizing) of those who are falling under its spell. The overall law-enforcement discourse is mixed with and reveals the way Protestant cultural and religious categories determine and define what is or is not acceptable religious conduct in a secular society.

**Community Partnerships for the Secularization of Muslims**

The Islamic re-education programs carried out by the US government today are broadly organized under the programmatic title of “Countering Violent Extremism” (CVE). Modeled after the Preventing Violent Extremism (PREVENT) initiatives in the United Kingdom, the US program was first introduced in a 2011 White House report (US Executive Office 2011). The label of CVE was later widely adopted into documents such as the Department of Homeland Security’s “Strategy for Countering Violent Extremism” and was used as a template for numerous initiatives (US Department of Homeland Security 2016). The FBI has drawn from these documents as well in creating de-radicalization CVE curricula, such as “Don’t be a Puppet,” a web-based online game for youth that received widespread criticism (American-Arab Anti-Discrimination Committee 2015; Camera 2016). Although the Obama administration originally intended the CVE framework to include all types of violent extremism, the Trump administration later designated Muslims as the sole focus of CVE programs (Tayler 2017; Hansler 2017; Ainsley et al. 2017). Government CVE documents do not coherently differentiate between terrorism, extremism, and radicalization. They also frequently state that there is no single cause of or pathway to extremism. Nonetheless, various state agencies have indicated that there is a need for a proactive response at the local level to intervene in Muslim communities and dissuade individuals who might be prone to extremism (US Executive Office 2016: 1–2; US Department of Homeland Security 2016). Such programs are funded and
carried out by US authorities both domestically and internationally, and similar programs have been initiated in many European states (Kaplan 2005; Laurence 2012; Patel and Koushik 2017; Rascoff 2012).

Some not-for-profit civil rights and public policy organizations in the US, such as the Muslim Public Affairs Council (MPAC) and the World Organization for Resource Development and Education (WORDE), have been supportive of CVE programs and helped devise community proposals to meet government agendas. Although these pro-CVE groups sometimes criticize the “radicalization” model of law enforcement agencies, they nonetheless rely on a version of the NYPD’s “radicalization” concepts when promoting CVE programs in Muslim communities (MPAC 2010; WORDE 2016). For example, according to a central WORDE report, the progression from radicalization to extremism is a non-linear process:

[It] often entails overlapping potential factors that contribute to one’s proclivity towards extremism. . . . [Similar] to the approach utilized by the Department of Homeland Security, WORDE has identified five clusters of potential risk factors of radicalization: sociological motivators; psychological conditions; ideology/belief/and values; political grievances; and economic factors. . . . It is also important to note that increased religiosity is NOT a potential risk factor of violent extremism. (WORDE 2016: 42–43, emphasis in original)

Although many of the “risk factors” in this list seem to be connected to socioeconomic conditions and are not religion-related, the report goes on to identify a central concern with ideology, belief, and values emanating from “foreign” influences (ibid.: 50). It indicates that such views, based on literalist interpretation of religious scriptures, are different from the liberal values of pluralistic societies (ibid.: 52).

Similarly, a report from MPAC indicates that when a person comes under the influence of foreign ideology, the “radicalized” individual often internalizes the ideology and “leaves the mainstream society” (MPAC 2010: 19–20). MPAC’s intervention project, titled “Safe Spaces,” encourages Muslim Americans to identify extremist ideologies and behaviors and to use rehabilitation programs to “recover” people who are succumbing to foreign influence:

It is an ideology that has come from overseas, and is not indigenous to American Muslim communities. So, our duty is to establish a community-led and community-driven initiative in order to protect our communities. (MPAC 2014: 8)

Like the NYPD “radicalization” report, the pro-CVE literature from both MPAC and WORDE remarks that although certain individuals are vulnerable to becoming radicalized by foreign groups and ideologies, there is no sequential connection among the “risk factors” and an individual becoming a radical or a terrorist (WORDE 2016: 44; MPAC 2010: 20). There is a pervasive omission in these documents when it comes to clarifying how the “radicalization” process actually takes place and leads to terrorism. Nonetheless, the CVE initiatives continue to gain prominence, resulting in expanding surveillance of Muslims whose different religious viewpoints and expressions are considered threatening to liberal/secular values.

Many of these CVE initiatives are focused on identifying Muslim children and youth who are deemed at-risk of becoming “extremists,” starting as early as elementary school. Through an elaborate system of organized surveillance involving teachers, police, health care professionals, mental health specialists, and cooperating religious authorities, future “radicals” are identified and given counseling and religious instruction that is either approved by the state or amiable to state authorities. Similar to the FBI and NYPD discourses discussed above, the CVE literature views individuals exhibiting certain religious outlooks as being psychologically vulnerable and in need of the state or those associated with state agencies to “cure” them. Like state authorities, the pro-CVE literature seems to place the blame on the “religious” but not the secular. That is, the reason for this vulnerability is never attributed to the social, economic, and political circumstances of the mainstream society but is instead abstracted as a personal, inner weakness that “foreign” ideologies can prey upon, which needs to be extracted from the internal self/conscience. The purpose of the CVE interventions is thus characterized as a necessary protection for the integrity of the secular order, which is regarded as the immutable source of public safety, security, and health. For
example, WORDE characterizes its CVE program as a “community-led initiative to promote social cohesion and public safety, with a core focus on preventing violent extremism through engagement, education, building connections, and targeted interventions” (WORDE 2016: 70). MPAC’s report includes similar language about community-led activities for public security:

Our solution to this issue is a bottom-up community strengthening and public health approach, as opposed to a top-down government-led national security approach. (MPAC 2014: 9)

The language of public safety, public security, and public health makes it appear that ideological violence connected to religion can only come from foreign entities. These claims rest on the assumptions that there is a natural, cohesive, and rational public social order intact in the US that the state needs to protect. This language also supports the public/private distinction preferred by secularists and central to the political culture of liberalism, in which “excessive” expressed religion is viewed as dangerous to society and needs to be relegated to the private sphere (or else eradicated completely). Framing the CVE initiatives in phrases that invoke the distinction between public and private norms and “religious excess” authorizes the secular sensibilities toward the regulation of religion and empowers the secular security state.

The idea of protecting the public order can be understood as laws and values that are necessary and foundational for the social and legal cohesion of the liberal state and public interest of the dominant society (Agrama 2012; Kahn 1999). It is also connected to the exceptional authority of the state and to its “national security” programs of safety and security (Agrama 2012). In the US, claims of public safety, security, and health are tied to the outlooks and agendas and cultures of secularism and liberalism, while ideas that are different from those values are perceived as “foreign.” Reviewing the pro-CVE literature reveals that while some civil liberties groups claim to advocate for minorities, they actually give greater value to the preservation of the white, capitalist, secular public interest and the political culture of liberalism. They authorize the state to decide what counts as acceptable religion and what role certain religions can have in the liberal legal and social order. As such, they demonstrate the power of invasive state surveillance and intervention to control and alter “modes of existence” that the dominant society finds unacceptable. Through these CVE initiatives, recalcitrant individuals are first examined and identified. Then they are expected to be brought back into the mainstream society and re-educated into the pluralistic values of liberalism and secularism, by changing their religious interpretations, identities, and practices to a socially engineered religious outlook amiable to the secular worldview.

It is worth mentioning that such governmental interventions into religious communities are far from novel in the US. From its very inception, the FBI, along with other government agencies, has been involved in the religious re-education of various Native Americans, African Americans, and immigrant communities (Johnson and Weitzman 2017). These efforts have even been extended to some Christian and Jewish religious teachings. For example, in the 1950s, FBI Director J. Edgar Hoover devised his own religious categorization schema and carried out programs to de-legitimize various religious groups, including left-leaning and pacifist interpretations of Christianity (Johnson and Weitzman 2017; Kirby 2017). The effort to reshape or “secularize” Islam by privatizing Islamic expressions so that they can be more readily integrated into the US power structure is a straightforward continuation of this long history of the secular state’s involvement in religion and its demarcation between “good” and “bad” religions.

**Surveillance, Disenchantment, and the Revision of Islamic Cosmology**

When Islam is placed at the center of the government’s security policing and surveillance programs, every facet of a Muslim’s religious and social life becomes open to scrutiny. When such surveillance and intervention also have as their explicit goal a reconstruction of the internal composition of Islam, it can have significant repercussions for Muslims’ ways of experiencing and modes of living in the world. For example, several interlocutors in my research have stated that the fear of surveillance has led to decrease in attendance at mosques in recent years, even among those Muslims who believe that such attendance is a necessary duty of their faith. They shared that it is difficult to become immersed in piety practices such as
worship and rituals when one is concerned about surveillance. These views on mosque attendance and religious practices are also supported by a report from the organization Creating Law Enforcement Accountability and Responsibility (Shamas and Arastu 2013) that documented the impact of unlawful NYPD surveillance.

Advocating for the protection of constitutional rights to religious freedom, The CLEAR report identified a number of important findings. Religious leaders reported that they felt surveillance of their mosques had negatively affected attendance. Many individuals who were directly approached by law enforcement had stopped attending mosque altogether (Shamas and Arastu 2013: 14). Some imams (spiritual leaders) were unable to assure confidential consultations with attendees in the privacy of the mosques due to their cooperation with state agents, which has deteriorated their relationship of trust with their congregation (ibid.: 15). New members, converts, and those who spoke “passionately about Islam” were all regarded with suspicion by other members of the community (ibid.: 18). Muslims who exhibited outward expressions of religiosity, such as donning headscarves or wearing traditional clothing, felt that they were receiving unwarranted law enforcement attention, an experience that prompted some to change their appearance and religious observances (ibid.: 15–17). The report goes on to show many additional ways in which Muslim Americans are self-censoring their religious expressions, speech, and social justice activities. This experience can be summed in the response from a nineteen-year-old who said, “It’s as if the law says: the more Muslim you are, the more trouble you can be, so decrease your Islam” (ibid.: 12).

One of the most significant impacts of surveillance has been in the erosion of safety and community in mosques. Places of worship are widely regarded, even among nonbelievers, as a focus of communal and ritual activities that can transform human experience and allow adherents to connect with a different way of knowing space and time. In some Muslim traditions, it is believed that angels descend on mosques during the congregational worship ritual, ibadat, to join with humans in services to the Creator. These spaces are governed by detailed rules of etiquette and demeanor. Certain acts are obligatory, while others are recommended, discouraged, or forbidden, all in an effort to ensure that the places of worship remain safe and conducive to spiritual practice. Places of worship provide a sense of belonging, hope, and identity for members of the community. Mosques in the US are particularly important in this regard, as they provide spaces of cultural refuge and promote civic participation. Thus, Muslim houses of worship, like those of other faith traditions, must be understood as performing vital social, psychological, and civic functions for their congregants.

The extensive surveillance and infiltration of mosques by state authorities is a profound invasion of these sanctuaries that sows distrust between faith practitioners. This issue of distrust resonates deeply within the Muslim faith, since Islamic orthodoxy considers it unethical and immoral to treat co-religionists with suspicion (Quran 49:12; Sahih Muslim 32:6214). When the larger society’s generalized fear of non-Protestant religions explodes into aggressive surveillance and undercover invasion, it rebounds within the community and makes it extremely difficult for practitioners to achieve their desired communal, material, and spiritual life. This intrusion becomes a threat not only to the psychological safety and sense of belonging that practitioners cherish, but also to their very concept of and connection to sacred time and space. Some practitioners feel that state surveillance has deeply affected their ability to know and embody their own faith.

From the account of Muslim American community life presented here, it can be understood how surveillance acts to reconstruct religion and to reshape adherent’s embodied experiences of their faith. Such surveillance practices are part of a long-standing secular machinery that is geared toward reforming non-Western ways of being. Other scholars have noted before that the awareness of being under authoritarian surveillance engenders certain types of behaviors and forces the targets to at least partially internalize the perspective of the external observers (Foucault 1979). Muslim Americans have experienced this kind of subjective displacement very acutely in recent years, growing more alienated not only from the larger society but also from their own spiritual communities.
For some Western commentators, this kind of enforced rupture from spiritual community has been regarded as a positive development—a form of necessary progress in human evolution. The sociologist Max Weber, for example, argued that “desacralization,” the disenchantment with sacred and traditional ways of life, is necessary for the material and technological advancement of humanity. He argued that it is therefore legitimate and even desirable to forcefully inflict social and religious changes on others (Weber [1918] 2002). This ideological belief that secularism is universally superior to other traditions—and that it must be protected and spread through aggressive means—is a fundamental conceit that underlies the audacity of infiltrating, dominating, adjusting, and monitoring the lives of Muslims.

Islam as a Holistic Cosmovision and Way of Life

In the previous sections I have tried to show how the concepts and assumptions of secular and Protestant religious and cultural ideologies are foundational subtext in the discourse surrounding US government surveillance of Muslims. This is true both in official state discourses and in much of the civil liberties discourse about surveillance. I have also tried to show some of the ways in which observant Muslims feel that their religious practices and experiences are being forcefully altered by the intervention of the secular security state. When people feel that the government is making them discard their religion, it indicates that there is a conflict in how the different parties understand and define “religion.” There appears to be a schism in the way that “acceptable religion” is understood in contemporary Western discourse and the way that it is understood by practitioners of Islam. Thus, again it must be emphasized that Western secular states are structurally mixed and do have a particular ideology of what kind of religion is permissible under their rule.

The secular concept of religion also acts as a pervasive assumption in Western intellectual life. It emerges in the ideas of scholars; for example, in the esteemed anthropologist Clifford Geertz’s supposedly “universal” definition of religion, which omits the communal and modalities of practices and focuses almost exclusively on the “moods and motivations” of individual conscience (Geertz [1973] 2000: 90). This privatized, depoliticized concept of religion does not even adequately cover the full range of Christian practices, much less the vastly broader scope of other global faith traditions (Asad 1996, 2003). Prior to the Protestant Reformation, Christianity itself was widely understood as an all-encompassing way of life, incorporating personal, social, and political components. It was only after the rise of the secular order, the modern state, and Western science that such a holistic view of faith became unacceptable to modern state authority.

The privatized concept of religion that emerged in seventeenth-century Europe constrains one to believe, behave, and experience the world in certain ways and in certain mental categories. As this understanding of religion spread globally—often after being forcefully imposed on colonized peoples in the eighteenth and nineteenth centuries—many parts of the world adopted their own versions of secularism and ceded public authority to the liberal state. At the same time, a proliferation of scientific studies helped Europeans to classify various faith traditions in a hierarchical order by demarcating practices that are more or less valuable in the public sphere (Asad 2003; Camaroff and Camoroff 1997; Camaroff 2001; Thal 2002; Yelle 2013; Masuzawa 2005). This hegemonic knowledge accumulation resulted in inculcating mental categories in how people understand the concept of “religion” and how they view various “world religions” today. Euro-American translations and evaluations of various faith traditions are primarily shaped by the Protestant concept of religion, instead of the categories and definitions that are native to other traditions. Government and civil liberties discourses in the US thus do not function from a “neutral” position when evaluating the religiosity of Muslims, but they are entrenched in and mixed with secular and Protestant religious ideologies that drive their views, interpretations, and policies regarding Islam.

In Arabic, Islam is considered din, a term that many Muslims—as a result of colonialism, modernization, and globalization—translate as “religion” but is really best understood as an all-encompassing social and cosmological order, ethic, and way of life. It might be better to use the English word “tradition” to describe Islam rather than “religion,” because the concept of a faith tradition better captures the sense that
observant Muslims have of Islam as an individual, communal, and social existence (Asad 1996, 2003). As a living tradition, Islam is continually evolving, and adherents engage in frequent conversations about what is or is not appropriate Islamic doctrine and behavior. Practitioners in various parts of the world are nonetheless familiar with certain types of ritual worship, basic texts, and foundational beliefs, even if specific interpretations and adherences to those features may vary. When Muslims debate the meaning or requirements of their tradition or take unconventional stances within it, they are engaged in an internal conversation that derives its meaning from the fact of their participation in the Muslim tradition and in the global Muslim community (Ahmed 2016; Sayyid 2014; Asad 2003). Through all of these debates, however, Muslims see themselves as part of a coherent community bonded by trust and shared ethical touchstones. Thus, Islam is not an abstract concept or merely a private choice or conviction; it includes metaphysical and social dimensions, but it does not include a hierarchical institutional priesthood structure like the Catholic Church.

For many practitioners of Islam, the way one expresses one’s faith tradition is not just a matter of choice that can be discarded when the law dictates. The liberal/secular understanding of religion as an internal autonomous choice, disconnected from authority or authoritative interpretations, is limiting in understanding this concept. Sometimes autonomous individuals independently choose to follow and obey the rules of religious authorities because it gives meaning, brings coherence and structure to their life, and makes sense of their existence. Sometimes freethinking individuals deliberately choose to hold on to interpretations, rules, and conducts based on the authority of the Quran, hadiths, or scholars of religion. Many practitioners of Islam experience their faith tradition as a mode of personal freedom as well as prescribed conduct that they deem necessary to becoming a moral and ethical person (Mahmood 2005). For many adherents, authority does not exist in conflict with one’s autonomous, private conscience but as an avenue for a mode of existence through which one attains meaning both in the material and immaterial world.

This is a different situation from what occurs when outsiders, who do not see themselves as part of the Islamic tradition, take it upon themselves to intervene and make changes to the internal components of Islam based on their ethnocentric understanding of “religion.” In a sense, the mentality that underlies secular surveillance, suspicion, and CVE programs is a kind of objectification of Islam, in which the tradition is regarded as a monolithic doctrine whose static tenets can be moved around and repositioned to suit the needs of the secular security state. This is a view of Islam through a rationalist lens, as a dogma rather than as an embodied tradition of a living community. Assuming that all Muslims are alike, interchangeable, and available for alteration also allows critics of Islam to ignore how pressures from Western secular states have contributed to recent eruptions of violence and antagonism in some parts of the Muslim world. It conveniently assumes that Muslims are entirely backward and cannot develop their own tradition, as though advancement and reform have not been occurring throughout the entire history of Islam. The prevalent narrative in the West is that Islam is a pre-modern religion antithetical to secular liberal democracy and modernity and that it must be reformed from without. Such framing justifies the calls for state repression and violence in the name of secularism and perpetuates animosity that we see occurring in today’s global world order. But, in reality, the living tradition and community of Muslims have always interacted with and made adoptions and accommodations with other world traditions and will continue to do so.

Conclusion

In this article I have argued that the current mode of governmental suspicion and surveillance in the US is a direct continuation of long-standing demarcations between acceptable and unacceptable religion in secular law and liberal Western societies. Through increasingly securitized laws and actions, the secular state is exerting aggressive pressure on the internal structure of Islamic traditions. The infiltration of Islamic communities has a drastic impact on the way practitioners experience their lives and faith. Surveillance under this paradigm is not simply an information-gathering exercise; it is also a method of attempting to reconstruct the way of being and experiencing the world of the targeted population. It can
strongly affect the way in which people experience and perceive their social world, sacred time and space, and the world as a whole, and deny adherents their own preferred modes of conduct, existence, and belonging.

Much of the civil liberties discourse that is critical of surveillance remains entrenched in secular ideologies and assumptions. It claims that Muslims’ First Amendment rights to free exercise of religion have been violated by unlawful surveillance practices. However, this leaves one to wonder whether “lawful” surveillance would not affect Muslims in the same way. Constituted in the political culture of liberalism and by invoking its cultural values of pluralism, civil liberties discourse assumes that American Muslims have an equal standing in the law and advocates for their constitutional rights. What is missing in the civil liberties analysis, however, is a consideration of the way in which non-Protestant religions often have very different concepts of moral and ethical ways of being. Civil liberties resistance to the surveillance state focused on “rights” discourse leaves unquestioned the way secular law renders religion and the way the state has historically defined and regulated non-Protestant religions. Relying on the normative claims of separation of religion from law and politics, this discourse translates and understands Islam in the Protestant/secular categories of religion that underpin the liberal political discourse on constitutional laws and religious liberty. In so doing, civil liberties advocates maintain the supremacy of the secular state over religious minorities and promote the interpretation of religion and religious life of the dominant society.

I examined the language in government and civil liberties discourse as a means of understanding the underlying purpose of surveillance and CVE programs and to show that secular regimes are not “neutral” but instead rigidly define and shape minority religious “others” as its opposite by demarcating what constitutes acceptable and unacceptable religion. I demonstrated how this outlook marginalizes non-Protestant modes of existence, in particular those within Islam. Despite the backdrop of constitutional separation between church and state, the secular state nonetheless operates with a religious subtext and maintains a definitive constraint on what kind of religious life-worlds are acceptable. While the secular state promotes a rhetoric of tolerance and religious neutrality, it naturally favors privatized concepts of religion that do not present a direct challenge to secular authority. Religious outlooks that are different and exceed the concept of private religion are regarded as extremely dangerous and in need of reform.

The need to subordinate Islam and other faith traditions to secularism, and the tools that are used to accomplish this process, are not novel features of post-9/11 society. While anti-Muslim sentiment is currently at something of a peak in the US, the agenda of dominating and monitoring non-Protestant faith traditions is a pervasive historical feature of the Euro-American liberal order. Furthermore, one of the paradoxical features of the effort to revise and privatize Islamic religious expressions is that the surveillance state has become increasingly intertwined with Islam. By placing the spotlight on Islam as the main focus of national security, the state generates increasing public discourse of Islam in America’s public spaces. Scholarly and popular attention to the Western treatment of Muslims that merely focuses on economic, political, racial, and human rights paradigms will tend to be aligned with the secularization project and will inevitably overlook the structural and ideological composition of the modern surveillance state and the way in which the global imposition of secularism is an intrinsic and necessary aspect of Euro-American imperial expansion.

References


