Book Review


McCrary is a scholar in American religious history. *Sincerely Held: American Secularism and Its Believers* is a sweeping, fascinating and engaging account of how American secularism created the ‘character of the sincere believer’ (p. 6) and cast ‘sincerely held religious belief’ as constitutive of religion in law and the standard by which certain practices are rejected ‘as not “truly” religious’ (p. 12). McCrary’s first book is a study of how American secularism has privatised (internalised, individualised) belief, freeing it from institutions and structures and in the process creating the ‘sincere believer’. From the American obsession with fakes and con-artists in the antebellum years (through a reading of Herman Melville’s *The Confidence-Man*), to the book’s epilogue—a note on the contemporary ‘post-truth’ era in which ‘indifference’ to the truth meets conspiracy theory meets ‘sincerely held belief’—McCrary charts the development of a public and legal realm where what matters is not veracity but sincerity.

The historical journey between these two points is referenced by analyses of significant religious freedom legal cases, and charted through insightful historical and socio-legal analyses of a number of case studies. These include the case of the New York Society for the Suppression of Vice (policing morals through the late 1800s), and the case of the suppression of women spiritualists during the late 1800s and early 1900s (‘fortune-tellers’, religious frauds not sincere believers, and thus not owed religious freedom protections). Mid-century, the US Draft Act of 1940 under which many thousands of men pleaded their case as conscientious objectors on the basis of their religious beliefs was pivotal—the interpretation and processing of their stories demanded a ‘vast bureaucracy’ which ‘shaped the administration of religious freedom and the rise of sincerely held religious belief’ (p. 11). McCrary moves on to examine the secularisation narratives of the 1960s and 1970s, with a close look at the influence of the theologians Paul Tillich and Harvey Cox, and then
a Circuit Court case that established both the limits of what can and should be regarded as a real religion and the limits of sincerity. Finally, he explores the growth of the Christian legal movement in the 2010s, critical in the framing of sincerely held religious belief as intertwined with marriage, sexuality and gender.

For McCrary, sincerely held religious belief is a legal issue, but also, as the case studies attest, so much more than that. ‘Sincerely held religious belief, coincident and enmeshed with expansively conceived rights of conscience, is far more than a specific legal test… religious freedom is [now] a feature of U.S. culture and culture wars’. McCrary argues that as such, attending to it ‘allows for new critical perspectives and cultural histories of the present’ (p. 238). His book has done exactly this, and in style.

The book may well become indispensable for scholars studying similar issues in other places, for example in Australia where, since 2015, religious belief has been a hot topic of public debate. It was not by accident that the bill which, in 2017, delivered marriage equality was titled the Marriage Amendment (Definitions and Religious Freedoms) Bill. Enshrined now, in Australian law, is the idea that the equality claims of LGBT+ people are a threat to religious freedom. Arguing for the adoption of the bill, the then Leader of the Labor Opposition, Bill Shorten MP, said ‘Respect for sincerely held views of people of faith and respect for the rights of religious institutions to practice according to their own tenets is proper’. In the Explanatory Memorandum to the Morrison Government’s failed Religious Discrimination Bill 2021, the phrase ‘sincerely held religious views’ is used twice to explain the intent of the most controversial clause in the bill, on so-called ‘statements of belief’: ‘The intent of the clause is to ensure that genuine and sincerely held religious views and non-religious views may be freely expressed without legal repercussion… provided they are expressed in good faith and are not malicious’ (pp. 53, 55). Sincerely held religious beliefs were seemingly to be freed from limits that applied to other forms of speech—limits that exist to protect people from potential prejudice, discrimination, harassment, harm and violence. McCrary’s study of the development of the character of the ‘sincere believer’ and the rise of ‘sincerely held religious belief’ as a political category as much as a legal one helps us to understand how religious belief has been constructed such as to defy challenge or interrogation.

Winnifred Fallers Sullivan’s work is frequently cited by McCrary. Anyone interested in the work of Sullivan and other scholars writing on the ‘new’ politics of religious freedom and its relationship to secularism
and the law, including Elizabeth Shakman Hurd, Lori G. Beaman, Ann Pellegrini, Finbarr Curtis, Janet R. Jakobsen and the late Saba Mahmood, will find this a rich, engrossing, fresh and enlivening addition to the field.

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