

What a Mess: Religion & Law

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SPEAKERS

If You Don't Know, Now You Know, Megan Goodwin, Bonus Ending, Simpsons, A Little Bit Leave It, Ilyse Morgenstein Fuerst



Ilyse Morgenstein Fuerst 00:17

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Megan Goodwin 00:40

What's up, nerds? Hi, hello. I'm Megan Goodwin, and I am a scholar of American religions, race, and gender.



Ilyse Morgenstein Fuerst 00:46

Hi, hello, I'm Ilyse Morgenstein Fuerst, a historian of religion, Islam, race and racialization, and South Asia.




Megan Goodwin 00:53


Mofu, can you believe we are halfway through the HISTORY OF THE WORLD (RELIGIONS) PART 1 MEGA-SEASON?!




Ilyse Morgenstein Fuerst 00:58


I g-- I guess? I guess. This-- frankly, like, all of pandemic times has been so utterly long, and yet we also very clearly started it five seconds ago.


 Megan Goodwin 01:11
100%. Yeah.

 Ilyse Morgenstein Fuerst 01:11
There is some Dr. Who wizardry at play.


 Megan Goodwin 01:14
Oh, no. Oh, no, girl. Don't do all that. *laughs* You cannot handle fandoms, I cannot handle wibbly-wobbly, timey-wimey business.... Let's just... let's back away slowly?? We are just trying to do the small talk-- the BANTER!-- and not start a star war.


 Ilyse Morgenstein Fuerst 01:31
Yeah. Oh, yeah. Fair. I actually never remember that one can set off nerds that aren't OUR nerds like nothing?? Okay, let me um... let me rewind.

 Megan Goodwin 01:42
laughs

 Ilyse Morgenstein Fuerst 01:43
Gee whiz, Megan, I cannot believe how we made it through so very much of the world religions season!

 Megan Goodwin 01:50
Goly, IRMF, me neither! That was good. That was good. But, uh, you know what?

 Ilyse Morgenstein Fuerst 01:55
What?

 Megan Goodwin 01:56
So, okay, we've covered African Diasporic religions, we've covered Indigenous religions, Sikhi, Hindu traditions, and after we take a short break, we're coming back to Christianities,

Buddhisms, Judaisms, and Zoroastrian traditions!



Ilyse Morgenstein Fuerst 02:08

T-That's so much.



Megan Goodwin 02:10

Yeah.



Ilyse Morgenstein Fuerst 02:11

Why did we do this?



Megan Goodwin 02:13

For the love of the nerds. You know? We just we love our nerds! But also, spite. Fuck you, world religious paradigm! You think you're better than us just because we can never stopped teaching you? NO. NERDSPITE.



Ilyse Morgenstein Fuerst 02:24

laughs Sorry. That does sound remarkably like us. Yes, yes. That sounds remarkably like us.



Megan Goodwin 02:34

It does. It very much does. But today, we are not doing ANY world religion.



Ilyse Morgenstein Fuerst 02:38

We're not??



Megan Goodwin 02:39

Nope, nope. Today is a SHOW US WHAT YOU KNOW and THIS SHIT MATTERS applied learning episode. Because truly, it's nice for us to talk about how the world religions model doesn't work - lord knows we have talked about that a lot-- AND it's important that we keep hammering home that this model has real world effects. BUT, as you have so frustratingly insisted since we met in 2007, unless you show me what those real world effects are, no one's gonna care or remember.



Ilyse Morgenstein Fuerst 03:08

I do say that a lot...



Megan Goodwin 03:10

Every day.



Ilyse Morgenstein Fuerst 03:11

Okay. So, this episode-- about halfway through this mega-season-- we're pausing on actual religions to talk about application. Got it. H-How are we... how are we going to do that? How do we do that?



Megan Goodwin 03:23

I'm so glad that you asked me! We're going to talk about law, in part because I have never fully recovered from you informing me that I was a stealth legal historian.



Ilyse Morgenstein Fuerst 03:33

Yeah, I'm correct.



Megan Goodwin 03:34

I know you are, but it's weird and itchy, and I don't get it. I-- shocking. I-- mm. I refuse! But also, you're right. Anyway. It's-- it is true enough that I feel like maybe we should explore this. I'm curious about what happens if we think about religion and law.



Ilyse Morgenstein Fuerst 03:50

Listen! You... you really may not be a legal historian by training, but the fact is that literally everything you write either cite pulp or pop cultures, OR law. That's it! Those are your go-to examples. So, I've been telling you since 2007, find a place to hang your theory, and law is like, tied for first place on where you hang your theory.



Megan Goodwin 04:12

It's true. I mostly do. I hear it's where pop culture shifts law thing, in retrospect.



Ilyse Morgenstein Fuerst 04:17



Yeah. Yeah!



Megan Goodwin 04:17

Anyway. We just... like, we spend so much time wrestling with what religion is. And legal spaces, like courtrooms, and prisons, have to define religion, allegedly, to protect it, at least in what's now the United States (but usually, it's to explain why religious minorities should stop asking laws to be applied equally, and just, shut up, and be glad that the powers that be like, let them live, when and if they do let them live). ANYWAY! Legal systems define religion, which makes them good places to see that religion isn't done with us, even if we're done with religion.



Ilyse Morgenstein Fuerst 04:48

I'm into it. So let's talk law, but also, let's be selective. We live in a world where there are nation-states and laws, so we could literally pick ANYWHERE in the whole frickin world and discuss how religion works in that legal system, which seems deeply overwhelming for me as I write part of this script, and also deeply overwhelming for our listeners.



Megan Goodwin 05:13

Yeah, yeah. I think we're all feeling a little overwhelmed by this point?? Like, just-just between us, did this semester maim you too? I want to talk about--



Ilyse Morgenstein Fuerst 05:23

The US, the US. I assume, I know, the US?



Megan Goodwin 05:26

No, no, no! No. I want to talk about China, actually. TWIST!



Ilyse Morgenstein Fuerst 05:32

gasps GASP.



Megan Goodwin 05:33

laughs



Ilyse Morgenstein Fuerst 05:34

Let's do it!! And you know what? It's been a long semester. It's nearly "winter break" in quotes

Let's do it!! And you know what? It's been a long semester. It's nearly winter break, in quotes, but I won't talk about calendars right now. Let's give our guest experts some time off and go solo this time! NO guest experts today, I declare.



Megan Goodwin 05:51

Who-hoa! Going rogue. I love it.



Ilyse Morgenstein Fuerst 05:54

Pardon, Pardon, Pardon! You're pissing on my lesson plan!



Megan Goodwin 06:00

laughs Mel Brooks forever. Once again, let us strive for simplicity in our lesson plan. Today, I want us to think about how all the ideas we've talked about so far in our HISTORY OF THE WORLD (RELIGIONS), PART 1 play out, and how a world religions model totally falls short if we look at legal attempts to define and regulate religions.



Ilyse Morgenstein Fuerst 06:24

That sounds simple enough. Let me jump into a silly question before we get into the 101.



Megan Goodwin 06:32

I love a silly question. Come at me, bro!



Ilyse Morgenstein Fuerst 06:35

Why law, you fake legal historian? *laughs* Why law and not anything, you know, else?



Megan Goodwin 06:42

That's fair. There-there are a lot of things that we could do here. And in the spring, in the second half of our mega season, I know we're going to be talking about museums-- which I am totally stoked about! Museums are another place where we see religion and what counts as religion, and who gets included and who gets excluded play out in real, material ways. So, we are going to talk about not-law just (as my favorite procrastinating princess likes to say) a little bit later. The whole thing about the procrastinating princess that I've never fully recovered from. Anyway, I said this up top, but legal systems require definitions, and legal systems that regulate and/or protect religious practices and belonging require definitions of religion. The

world religions paradigm, as you damn well know, has also historically been deeply invested in defining religions (mostly so, like, white European Christian dudes with pens could use those definitions to explain why white European Christianity was the best one).



Ilyse Morgenstein Fuerst 07:39

Sure. Checks out.



Megan Goodwin 07:40

Yep. Yeah, yeah. So, our case study today-- religions in/and China-- is a great space to think about how "world religions" falls really short of how complicated lived religion gets in legal spaces.



Ilyse Morgenstein Fuerst 07:52

Okay!



Megan Goodwin 07:52

So, yeah, yeah! I think it's gonna be good. It's nice to try something new. So, when we're talking about legal systems, we're maybe thinking about constitutions that organize nation-states, we could be thinking about passing or attempt to pass laws that affect only like, one region or province or municipality (like, remember, in 2013, when the North Carolina House of Representatives said fuck the first amendment and tried to declare itself a Christian state?!)



Ilyse Morgenstein Fuerst 08:17

I sure do.



Megan Goodwin 08:17

Yeah, yeah. Yeah. Yeah. Good times. Neat. Uhhhhhhh, yeah. In any place-- I still can't believe that happened, but like, of course it did.



Ilyse Morgenstein Fuerst 08:27

Course it did.



Megan Goodwin 08:27

Of course, it did! I'm just like, trying to study American religions and North Carolina is like,

maybe the Constitution doesn't apply to us. Thanks. Anyway. In many places, laws claim to be neutral and generally applicable, but they often disproportionately burden minoritized folks. I care about those kinds of laws a lot.



Ilyse Morgenstein Fuerst 08:46

You sure do. You sure do.



Megan Goodwin 08:47

Yeah, I do. And policing systems frequently enforce laws unevenly (as you well know) again, usually to the detriment of vulnerable communities. But laws, in their ideal form, can also protect and sustain the civil rights of embattled communities against popular prejudice. And-- you'll like this bit, IRMF-- once a right has been enshrined in law, it is really hard (though obviously not impossible) to take that right back.



Ilyse Morgenstein Fuerst 09:09

I do, I do like that part, both historically and as a person, so HANG IN THERE, Affordable Care Act. We MISS you, Voting Rights Act! Baby, come back!



Megan Goodwin 09:19

Baby come back! *giggles* And like, even if a law is overturned, its historical precedent still informs our legal systems. See? History! You love it.



Ilyse Morgenstein Fuerst 09:30

I do. I do really love that.



Megan Goodwin 09:34

I really love you. I DON'T really love segregation. Segregation is--



Ilyse Morgenstein Fuerst 09:40

That's a HARD pivot, Megan. That is a HARD pivot.



Megan Goodwin 09:42

laughs It's a roller coaster of emotions today. It is the-- the pause in the season. Segregation sucks. It's technically illegal! But that doesn't actually mean that segregation like doesn't exist

sucks. It's technically illegal, but that doesn't actually mean that segregation like, doesn't exist in what's currently the United States. There are just ways for folks to use the legal system to argue that a particular example of segregation isn't lawful, and then force change that way. Legal systems are places where these big-picture ideas get codified, implemented, and then, well, hard to escape.



Ilyse Morgenstein Fuerst 10:12

Yeah. And on that note, let's jump into the 101 on today-- *clicks tongue*-- the section where we do professor work. Alright, so let's go! Let's talk law and religion in, let's say, three places! Three--three places in an episode. Uh, sure.



Megan Goodwin 10:29

No! No. Veto. I love that you want to reach for the stars, but that is some alpha nerd nonsense. No.



Ilyse Morgenstein Fuerst 10:37

I feel like I should roar right there, like, ALPHA NERD.



Megan Goodwin 10:40

laughs We are limiting ourselves to one case study, and then you can sneak India into our adorable human interest segment at the end.



Ilyse Morgenstein Fuerst 10:49

Okay, you know what? Fine. That's... reasonable, actually. And... look at you! Being reasonable!



Megan Goodwin 10:55

I know! Achievable goals. My therapist says it's a good idea.



Ilyse Morgenstein Fuerst 10:57

I love. Let's do this. When we pitched two application episodes-- you pitched law, I pitched museums-- you were really clear that China needed to be one of our case studies (and now, our singular case study because achievable goals). So why... why China? What gives?



Megan Goodwin 11:13

I am so glad that you asked, I love. For starters, we hardly ever talk about China on this pod, in

I am so glad that you asked, IRMF. For starters, we hardly ever talk about China on this pod, in part because it's not an area where either of us have expertise, but also, I actually know a couple things about religion in China-- thank you to smart colleagues who've helped me build out this part of my Global Religions class. So, it's fun when I know things about not the US, right? Don't answer. Don't answer, you gloater. I'm Ilyse, I have to know so many things for my job, and they let you talk about one dumb nation-state that's barely 200 years old.



Ilyse Morgenstein Fuerst 11:42

laughs Quit bantering me, you bellend. I'm gonna take the high road here. I'mma take the high road. I do, in fact, have to know so many things (so many MORE things than Americanists). But I'm excited for YOU to branch out! Tell me more about China. How? How does it classify religion?



Megan Goodwin 12:01

Good! I will. So, as you might expect from a country that has existed for millennia, there is SO much history about religion in China, and government in China, and how Chinese government came to think about and regulate religion the way it does. But, predictably, I am skipping all of that, both to bother you, and because we just don't have the space. You're welcome. So we're fast forwarding through, truly, millennia of complexity and pausing in 1949, when the People's Republic of China was established. And in 1949, scholars (see, I told you we were important) scholars famously divided China into 56 ethnic groups. For a lot of reasons, but especially in the name of effective governance. Some of these ethnic groups are also religious-- ten are recognized as Muslim minorities, including Uyghurs-- *Secret Word of the Day*-- a group many may be familiar with now because the Chinese government is brutally and seemingly relentlessly surveilling them, policing them, and, for possibly as many as a million Uyghur Muslims, incarcerating them. So this is a surveillance, a policing, an incarceration of an ethnic and religious minority. We're gonna come back to this part because it's important.



Ilyse Morgenstein Fuerst 13:16

It's really important. And I literally just published a couple of pieces on Uyghurs and also on India's CAA laws. So I'm gonna drop those things in the show notes, and I've got copies for folks if they want it.



Megan Goodwin 13:27

You are relevant as heck, and I love it when badass bitches of all genders cite themselves. Uh, but to get back to China-- so, the People's Republic of China, the PRC, doesn't only recognize ethnic groups. While China is itself an areligious state, there are lots of Chinese folks who practice religion or religions, though public religious affiliation can hinder careers for some business people or if you want to work in the government. In addition to recognizing specific ethnic groups, China also explicitly recognize five religions: Buddhism, Daoism, Islam, Protestantism, and Catholicism. It counts those two branches of Christianity as separate

religions. It doesn't count Mormonism or lots of new religious movements that grew out of mainstream Christianity. I told you this was complicated. There's a lot going on! So, there are ethnicities that are legally recognized and religions that are legally recognized and regulated.



Ilyse Morgenstein Fuerst 14:25

Okay. You're not joking. There's already so much going on here. We've got specific, legal, ethnic groups, specific, legal, religions, some of which seems like splitting hairs, perhaps, to our nerds. I also know that there's also specific legal definitions of race, which we've said in other seasons is like, really important when we're talking about religion. I am obviously very interested in how ethnicity, race, religion all relate. Maybe we can circle back. But first, alright. Tell me more about this regulation of religion. What does that look like besides just this, like, there are five recognized religious groups. Tell me more.



Megan Goodwin 15:04

Yeah. Yeah. So, it's more than just like filling out forms. In part, it looks like expectations. Communists-- and like, communism is a bad word here in the States, but it is the major ideology of the People's Republic of China-- Chinese Communists are expected to have no religion. I know that you know that there's a long history here, including the infamous cultural revolution that banned and often persecuted religions of all stripes, but I don't want to get too far into that. I want to focus, again, shockingly, on what's going on right now. But I do want to ask our nerds to think about what NO religion might do. If no religion is a given, if it's prioritized, especially among social and political elites, then we might imagine that any religion could be seen as deficient, or derelict, or like, anti-state.



Ilyse Morgenstein Fuerst 15:49

Yeah, that makes sense! If the default is NOTHING, and the government is variously enforcing nothing as either the only way to be, or the preferred way to be, then SOMETHING could become a problem.



Megan Goodwin 16:02

Yeah, very much so. And then this gets complicated by ethnicity and region, too. Like, religious Daoism is technically allowed, but it's often seen as, like, kind of a rural thing? Plus, just because a religion is technically allowed doesn't mean it's smooth sailing for those religious communities in China.



Ilyse Morgenstein Fuerst 16:18

Huh.



Megan Goodwin 16:18



Megan Goodwin 16:16

So yeah, yeah. It's complicated! So like, take Catholicism, for example. *laughs* My forever go to example. So, Catholicism is technically allowed in the, in the PRC, right? Like, it's on the official list. It checks a box. But, the Chinese government wants control over religious authority and practice. Basically, like, it wants a say in who gets appointed as religious leaders, like bishops, what kind of materials community members are using in their services, or maybe distributing in a community. As you might imagine, the Holy See is not super excited to loop secular government officials into its decisions about who gets made a bishop. Can you imagine?!



Ilyse Morgenstein Fuerst 16:57

Yeah, I imagine that. *laughs*



Megan Goodwin 17:00

We're not great sharers. We're not, like, collaborative thinkers, Catholics. Anyway. Lots of Christian teachings can be interpreted as anti-government. So, the PRC cracks down on that kind of religious literature. Some folks practice in house churches. *Secret Word of the Day* These are unofficial, illegal, and private religious spaces, rather than state sanctioned ones, to evade this kind of state scrutiny and control. But there are majorly bad consequences for house church community members who get caught trying to religion outside PRCs parameters for acceptable religion.



Ilyse Morgenstein Fuerst 17:34

Wow.



Megan Goodwin 17:34

Yeah, yeah. I teach a piece by Patrick Poon from this great Berkeley Forum conversation about religious regulation in China. I'll link to in the show notes. That piece, he basically sums up the situation by saying that without the blessing of the Chinese government, religious groups simply cannot practice their religious beliefs.



Ilyse Morgenstein Fuerst 17:51

Okay, so you're saying that, basically, in order to practice religion in China, you NEED China, like, the nation-state, to give you a thumbs up?



Megan Goodwin 18:01

Yeah. I am 100% saying that. AND, "thumbs up" on your bishop, or (god forbid) your imam does NOT mean encouraged. Not all legal religions are culturally accepted to the same extent. Buddhism and Daoism are seen as authentically Chinese a lot of the time, accepted in

Buddhism and Daoism are seen as authentically Chinese a lot of the time, connected in important ways to the country's history and culture. Islam, on the other hand?? Woof. No. Islam gets seen here as A.) already a problem, because it's religion, period; B.) an "outsider" religion, essentially un- or even anti-Chinese religion, because it's not Daoism or Buddhism, and in the case of the wiggers, thanks to rhetoric borrowed from the US's bullshit war on terror AND state interests in accessing the Xinjiang province's resources and trade routes, it gets seen as a threat to the People's Republic of China, full stop.



Ilyse Morgenstein Fuerst 18:49

Yeah, no. Like... Islam in China, and the way Muslims are treated... it's bad. It's really bad. It's, frankly, genocidal bad.



Megan Goodwin 18:57

Yep!



Ilyse Morgenstein Fuerst 18:58

We've talked about Uyghurs elsewhere, and in an upcoming episode this mega-season, Kristian Peterson will tell us about Islam in China, so I don't want to do spoilers, and we shouldn't get too far off the track here, but the legal restrictions placed upon Uyghurs specifically... listen! Genocides can be legal and this one... this one certainly is. Do you know anything about how this situation escalated, if we're thinking about it from, like a, like a legal perspective?



Megan Goodwin 19:23

So, this is, obviously, mostly above my paygrade, but I do know that the situation, like Myanmar's persecution of the Rohingya, is absolutely both about religion and is not just about religion. In the case of the PRC's genocide against Uyghurs, this is a conflict about ethnicity and resources every bit as much as it is about religion.



Ilyse Morgenstein Fuerst 19:42

Yeah. Absolutely. Okay. Can I ask an obnoxious question?



Megan Goodwin 19:46


Sure!




Ilyse Morgenstein Fuerst 19:47

Is this unique to China? Like, in the US, don't we also have to have government involvement to practice our religion?


practice our religion?

 M Megan Goodwin 19:54


Okay. I know that you already know the answer to this question, but I appreciate you setting me up. Way to pitch it underhand.

 Ilyse Morgenstein Fuerst 20:00


I love sport, man. Knock it out of the park!

 M Megan Goodwin 20:05

But yeah! Of course! Of course this government regulation of religion, or even a government playing like, fast and loose with its own rules about religious practice, isn't unique to China, as we've already discussed--

 Ilyse Morgenstein Fuerst 20:15

In episodes 104 and 404, in fact. ABC, baby! Always be callbacking!

 M Megan Goodwin 20:21

I cherish you! Yes! In episodes 104 and 404, we talked about how the US government regularly tramples all over Native land rights. That is absolutely about religion, AND ethnicity and race, AND resources. AND, at the same time, the extent to which the People's Republic of China monitors, limits, and disciplines the daily practice of religious communities and institutions is on an entirely different scale than what we see in the US. In the US, in order to qualify for tax benefits, the IRS has to label you a religion. But China regulates which religions can even CALL themselves religions. The PRC extensively regulates officially allowed religious groups-- their publications, their leadership, their practices, all need state approval, or practitioners face steep consequences. And while we know that both the US and PRC surveil and police Muslims at rates entirely, massively disproportionate to how few Muslims actually live in both of those countries, the laws governing that surveillance and policing function really differently.

 Ilyse Morgenstein Fuerst 21:21

Okay. That... that makes sense. I'm gonna pitch you another ball here.

 M Megan Goodwin 21:27

Ooh! Alright. I-I'm gonna batter up.



Ilyse Morgenstein Fuerst 21:30

Good work!



Megan Goodwin 21:31

Thank you!



Ilyse Morgenstein Fuerst 21:32

You're such a baseball chick. Alright. Can you say more about how or why this matters for us? I mean, we think religion is everywhere, and law is an important and clear place to see it, but what does this have to do with the world religions paradigm?



Megan Goodwin 21:47

Okay, I love this! I'm so glad that you asked! I mean, it has everything to do with the world religions paradigm. Why is religion even a category here? Why are THESE religions the ones that count? And why do regulations exist on these particular modalities of religion-- books, print, leaders, gathering spaces. These criteria (books, leaders, ritual spaces) should sound sneakily familiar to us, right? They maybe sound like, I don't know, white European Christian criteria for what counts as religion and what doesn't. Hmm. Hmm!



Ilyse Morgenstein Fuerst 22:19

Yeah. Hmm. Curiouser and curiouser. Yeah, that makes total sense. And honestly, I can't tell you how many, like, political science books I read that do this sloppy-ass work that's basically like, "Well, China likes to control its population, so of course it's legislating religion!" I'm over simplifying, but also, like, I'm sadly not?



Megan Goodwin 22:22

So, like, I'm not saying it's a copy paste situation, but I do want us to think, or I do want us to question, how, and when, and why this model of religions with firm boundaries tied to and separate from the legal categories of race and ethnicity? How does it show up? When does it show up? Where does it show up? And why? More importantly, I think I want us to really consider how knowing about religion, knowing the model of particular religions with particular borders, and particular identifiable ways of practicing those religions, helps us ask questions about China's laws. So like, let's say, for a second, that you think the world religions paradigm, invented by white European Christian imperialists, has zero effect on China's laws. You would be wrong, obviously. But let's-let's pretend. So, OUR knowledge of this system helps us ask different and, frankly, better questions about China's legal system than if we just see religion as, like, another thing that gets regulated. Yeah, no, that's trash. That's trash. Friends do not let friends be political scientists (unless they're, like, Beth Hurd).



Ilyse Morgenstein Fuerst 23:44
For real.



Megan Goodwin 23:46
But for now, it's time for... A Little Bit, Leave It!



A Little Bit Leave It 23:51
A Little Bit Leave It



Megan Goodwin 23:55
Where we're letting you know what we think the most important, most interesting, or most challenging part of this topic is. It's a little bit to leave you with. Uh, IRMF, what do you want to leave our nerds chewing on?



Ilyse Morgenstein Fuerst 24:07
I mean, we've covered a lot, and... but I guess, I guess I want our nerds to understand, truly, that we live in nation-states? And when we live in nation-states, which is the generic way, hegemonic way, most people in the world live these days, we exist in spaces of national identity, which also means that we're subject to nationalisms and religion is right the fuck there, in the core of this experience. So, religions are regulated sometimes heavily in nations, which in turn means that how we do religion, IF we can safely do religion, has as much to do with where and when we live as anything else, and it has EVERYTHING to do with how states function. So if you have a constitutional legal system, BOOM. That is going to shape how you do religion. If you live in a space that is monarchical, BOOM. That shapes how do you do religion! If you live in a fucking dictatorship? Guess what?! Changes how you do religion! So when people claim that religion shouldn't be in politics, and that politics has nothing to do with religion, I'm sorry, but that's straight up stupid.



Megan Goodwin 25:13
Yeah, that's dumb.



Ilyse Morgenstein Fuerst 25:14
Law and religion are just tied. Anyway. Keep going.

—

M

Megan Goodwin 25:18

Yes. You are right, and you're smart, and I appreciate you. I think I just want to encourage our nerds to reflect on how legal cases help us understand that we both NEED to be thinking religion, and that thinking religion isn't enough. If we leave economics, governmentality, ethnicity, and regionality out of the equation, we cannot understand Chinese attitudes toward Uyghurs, for example, or even toward, frankly, toward Daoists, who are much more accepted in PRC, even as religion itself remains frowned upon. But do you know what turns my frown upside down?



Ilyse Morgenstein Fuerst 25:51

I don't!

M

Megan Goodwin 25:53

90s hiphop repurposed for pedagogy. Do it, Professor III-C.



Ilyse Morgenstein Fuerst 25:58

If you don't know, now you know.

I

If You Don't Know, Now You Know 26:01

If You Don't Know, Now You Know



Ilyse Morgenstein Fuerst 26:03

The segment where we get one factoid each. *laughs* Yay! Alright. I want to briefly mention, because we teased it at the top, that, you know, religion and law and regulation isn't unique to China. Duh. And duh, I want everyone to know more about India. Alright. So, we tease this at the top with the CAA, and I want to just super briefly, like, honestly less than you'll get on Wikipedia, tell you what that means. So, in December 2019, India passes the Citizenship Amendment Act, the CAA-- *Secret Word of the Day*-- and it's one such place that we can really think about regulating religion when we're not regulating religion, but also we're clearly regulating religion. In short, the CAA allows for amnesty for undocumented folks. The language in the law itself says illegal migrants, but I'm going to use the language of undocumented because I don't care where in the world you are, no one is illegal. Of course you do.

M

Megan Goodwin 26:29

Mhm.



Ilyse Morgenstein Fuerst 26:42

So it allows for amnesty for undocumented folks from, specifically, Afghanistan, Pakistan, and Bangladesh IF, and ONLY if, they were escaping religious persecution. And only then, if they are, to be blunt, not Muslim. So I want you to hear that. These Muslim majority countries that surround the nation-state of India, if you happen to have been an undocumented migrant from those places, within a certain time period (I believe it's before the year 2014) AND you were a religious minority, which is to say NOT Muslim, then you can be-- there's a pathway to citizenship in India. If you ARE Muslim-- if you are, say, Shi'i Muslim, or Ahmadiyya Muslim, or, like, Ismaili-- any of these sorts of, like, groups that come under religious persecution in various ways or minoritization in various ways, you don't count.



Megan Goodwin 27:54

Mm.



Ilyse Morgenstein Fuerst 27:56

There's so much here, and I'm going to throw in the show notes places to read more, and I personally have two pieces on this now, and there are lots of great explainers. But the long and the short of it is, since we're just at If You Don't Know, Now You Know, the CAA and its attendant National Register of Citizens, the NRC (those things go together), they are essentially out loud laws that are blatantly hostile to Muslims, Muslim majority nations, and, like, the families of people who have lived on both sides of these borders, or any sides of these borders, in so many ways, legally. These are legal barriers for citizenship, and legal declarations of who is properly Indian, and again, the too long, didn't listen of it is, it ain't Muslims.



Megan Goodwin 28:42

Yeah. It almost sounds like these legal documents are constructing Islam as inherently violent--



Ilyse Morgenstein Fuerst 28:48

And foreign! --and foreign. I feel like I might have read a book about that? It was "Indian Muslim Minorities and the Great Rebellion?" It's true. I did write that book. Hmm. I think people should read that book! Anyway. And if you don't know, now you know.



Megan Goodwin 29:08

I was extremely chatty today, so I'm going to try to keep this brief. But, you know that I, like you, never tire of complaining about the World Religions Paradigm (TM). So let's do this thing! Let's keep complaining. Remember how we said that there are five legal religions in the People's Republic of China?





Ilyse Morgenstein Fuerst 29:24

Yeah, we did say that.



Megan Goodwin 29:25

We did! We 100% did say that. So guess what important Chinese philosophical tradition and system of governmentality ISN'T on the PRC's official list of religions? That's right, nerds. Confucianism. China does not consider Confucianism a religion, which, fair enough. But the 1893 World Parliament of Religions definitely did! (Callback to Episode 103, Masuzawa five-eva). Sooo, yeah. You know what else also considers Confucianism a religion, despite its country of origin saying, like, it's not? Every freaking world religions textbook I've ever looked at before throwing it across the room in disgust. So yeah, yeah. Religion is not a native category, and the fact that we keep talking about Confucianism in global religions or world religions classes is, again, a legacy of this nonsense paradigm.



Ilyse Morgenstein Fuerst 30:20

Ow.



Megan Goodwin 30:22

You're welcome. Don't pack up your stuff yet, nerds! You've got homework.



Simpsons 30:29

What Homework?!



Ilyse Morgenstein Fuerst 30:32

Okay. So, listen, nerds. I'm gonna be blunt. I don't know that much about China and law. But I do know quite a lot about Islam and China, and I'm not going to spoil all the things, but I'm going to give you stuff that's focused on that more or less. So. I have two pieces, which I just said. One is in Chiara Formichi's JUST out "Routledge Handbook of Islam in Asia." It's called "Minoritization, Racialization, and Islam in Asia." One of the examples there is India, one of the examples there is specifically the Uyghurs in China. So, if that's exciting to you, hit me up and I will, I will make sure that you get that in your hands. The second piece is a chapter that-- in a volume that we both have articles in, Megan.



Megan Goodwin 31:12

Yeah, we do!





Ilyse Morgenstein Fuerst 31:12

It's in Tina Howe's "Rutledge Handbook of Islam and Gender." My article is called "Gender, Muslims, Islam, and Colonial India," and that whole thing is literally about how law functions in colonial India. So if that is exciting to you, or more relevant to the way you're thinking about law, go for it.



Megan Goodwin 31:19

That is exciting to me, yeah.



Ilyse Morgenstein Fuerst 31:30

And I've got a few recs on Uyghurs. So-- a high recommend to Sean Robert's "The War on Uyghurs: China's Internal Campaign against a Muslim Minority," and also, Rian Thum's "The Sacred Routes of Uyghur History." Super, super smart. I can't really think about lots of things in Asia without thinking about Kelly Hammond's work. She has a great explainer piece in the Conversation that I'll link up to, and her book "China's Muslims and Japan's Empire" is SUUUPER good.



Megan Goodwin 32:00

That sounds good.



Ilyse Morgenstein Fuerst 32:01

Friend of the pod and next season's Islam and China expert, Kristian Peterson, has a piece titled "How 9/11 helped China wage it's own false 'war on terror,'" which is connecting the legal and foreign policy frameworks of the United States to China's, frankly, genocidal practices.



Megan Goodwin 32:18

Yup.



Ilyse Morgenstein Fuerst 32:19

And then, I just saw this yesterday in the Wall Street Journal, and forgive my pronunciation because I... East Asian languages are not mine, but Dhondup T. Rekjong, in the Wall Street Journal, published a piece on how China wants future lamas-- so, Tibetan Buddhist Lamas-- and monks to learn their faith only in Mandarin, which paves the way for Tibetan, as a language, to be erased and fits within China's ethnic cleansing kind of nation-state foreign policy and occupational, settler colonizing framework around Tibet. So, I'll link to that, too. I'll stop there. That's, uh, that's about the end of my expertise.



Megan Goodwin 33:02

That's-- that's a lot. That is plenty. I already mentioned the Berkeley Forum's great collection of resources on "Regulating Religion in China." I find Poons "Controlling Religions with Chinese Characteristics" and Ownby's "Religious Regulation in China" teach particularly well. I use those just about every semester now. I also use clips from Patriot Act on Chinese Censorship, and this relates to the Uyghur genocide as well, and Last Week Tonight on China and Uyghurs, in all honesty because so few of my students are even aware that this genocide is happening. So. For folks looking for a pop culture angle into this, I will link to a piece that explains why Disney took so much heat for its live action version of Mulan, and especially for filming in the Xinjiang province, where so many Uyghurs are being denied basic human rights by the People's Republic of China. I also suspect that many of our Asian religions nerds have a lot more resources to share on this important topic, so please hit us up on Twitter, or shoot us an email, if there are other things we should be assigning to our listeners. And speaking of getting in touch...



Ilyse Morgenstein Fuerst 34:00

We've got big thanks to those of you writing reviews on iTunes, Spotify, Amazon, and Google. It really helps! And this week, we're shouting out Dr. Sajida Jalalzai, friend of us and Nerd of the Week (perhaps nerd of this whole half-season) extraordinaire, who sent us personalized cross-stitches of our podcast personas with our catchphrases. It's BANANAS. Check the show notes for an image. Never stop asking me how amazing Dr. Jalalzai is because I will never stop telling you. That is BTCOD (beyond the call of duty) level love and fandom, and we remain blown away. If you, dear nerd, want to be a nerd of the week, there's no need for fan art (though MUCH appreciated). Just write us a review on Apple podcasts, or Amazon, and we will shout you out.



Megan Goodwin 34:47

We are never mad about fan art, though. That was an amazing moment of beautiful friendship and love and... we love Sajida so much. We're taking a short break to recover from the semester (as though a short break could help do that, but we do the best we can). So, short break to recover from this semester, the ongoing pandemic, and actually use the (allegedly) secular winter break for a rest. But both we and our epic HISTORY OF THE WORLD (RELIGIONS) PART 1 mega-season will be back in January. So, stay tuned for Christianities Buddhism, Judaisms Zoroastrianisms, museumses, and more.



Ilyse Morgenstein Fuerst 35:23

And TONS more experts. Props to our research assistant Alex Castellano, whose transcription work makes this pod accessible and therefore awesome. Need more religion nerderie? You know you do, and you know where to find us! Twitter! The answer's Twitter, nerds.



Megan Goodwin 35:38

Yeah, it is! You can find Megan (that's me!) on Twitter @mpgPhD, and Ilyse @ProfIRMF, or the show @KeepingIt_101. Find the website at keepingit101.com. Peep the insta, if you wanna. Drop us a rating or review in your podcatcher of choice, and with that...



Ilyse Morgenstein Fuerst 35:58

Peace out, nerds!



Megan Goodwin 35:59

And do your homework! It's on the syllabus.



Bonus Ending 36:26

Winnie the Pooh Theme Song