

POLITICAL  
RESEARCH  
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# The Public Eye

## When the Exception Is the Rule

Christianity in the Religious Freedom Debates

A BILL for establishing RELIGIOUS FREEDOM

## Struggling to Get Church and State Right

Political Research Associates always strives to see both the trees and the forest: to go beyond caricatures to provide fresh research and analysis on individual conservative activists and coalitions, but also to situate these actors in the larger infrastructure of the Right. The first piece in our Summer 2015 issue, **“Beyond the Hate Frame” (page 3)**, speaks to this ideal: an interview with Kay Whitlock and Michael Bronski, authors of the new book *Considering Hate*, which explores how “the hate frame” obscures broader issues of systemic violence.

As this issue is going to press, the Supreme Court has just announced its historic ruling on *Obergefell v. Hodges*, legalizing same-sex marriage nationwide. In addition to being a landmark moment for marriage equality and LGBTQ civil rights, the decision will also inevitably add to the developing debate over religious freedom exemptions.

That’s the topic of this quarter’s cover story, **“When the Exception Is the Rule” (page 4)**, by PRA Senior Fellow Frederick Clarkson. Over the span of the last several years, we’ve seen the idea of religious liberty used by corporations like Hobby Lobby to avoid providing insurance coverage for certain types of contraception; the proliferation of state-level legislation affirming the right of businesses to deny services to LGBTQ people; and the expansion of the definition of church ministry employees that is allowing religious employers to overlook basic labor laws. It’s all a far cry from the original intent of constitutional religious freedom protections, but it’s shaping up to be the tool of choice for the Religious Right. Taking the long view, Clarkson explores how, when it comes to balancing individual conscience and the separation of church and state, the United States is still struggling to get it right.

Next is **“Latin America in the Crosshairs” (page 10)**, Gillian Kane’s dispatch on how the right-wing legal advocacy organization Alliance Defending Freedom (ADF) is cementing its presence abroad, establishing a roster of Latin American offices and insinuating itself into the workings of international courts and the domestic debates of foreign nations. Looking at how the U.S. Right operates overseas, often to help influence policy back home, has long been a PRA priority. Kane’s story takes this analysis further with a vital update on a litigation enterprise for which no international culture war cause is too big or too small.

Lastly, in **“Big Questions About Templeton” (page 14)**, John Weaver takes a fascinating look at the role that megawatt philanthropic group The Templeton Foundation has played in issues related to healthcare. From prayer studies to claims of faith healing and resurrection, Templeton has helped fund and promote questionable, and even dangerous, faith-based treatments, often in countries emerging from a colonial past. While others have written before about the impact of Templeton money on the intersection of belief and science, Weaver advances the story to investigate how conflicts around faith, medicine, and psychology may represent the next religion-science battleground.

It’s been my pleasure to serve as guest editor for the last two issues of *The Public Eye*, and I look forward to bringing you this fall’s issue as well.

Till then,  
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BY LINDSAY BEYERSTEIN

## Beyond the Hate Frame

Whether it’s a spree killing, a vandalized mosque, or a bias attack on a queer teen, Americans are quick to chalk it up to hate. The label “hate crime” invites us to blame overwrought individuals acting on extreme personal prejudice, making it seem as if a small cadre of social deviants is our main obstacle to a peaceful society. In fact, such individuals are products of a society that endorses all kinds of violence against the very same groups who are targeted in hate crimes. The perpetrators of these crimes are taking their cues from a society that embraces mass incarceration, militarized policing, the school-to-prison pipeline, and other forms of structural violence wielded disproportionately against people of color, queer and trans or gender non-conforming people, and the poor.

Kay Whitlock is an independent scholar of structural violence who seeks to dismantle the prison industrial complex. She is the cofounder of Criminal Injustice, a blog series that explores myths about crime, criminals, and the justice system. Michael Bronski is a professor at Dartmouth College and author of the award-winning book *A Queer History of the United States*. Their new coauthored book is *Considering Hate: Violence, Goodness, and Justice in American Culture and Politics*, published this year by Beacon Press.<sup>1</sup> This spring, they spoke with PRA about their work.

### What led you to write a book about hate and the role that it plays in our politics?

**KAY WHITLOCK:** I wrote a piece for Political Research Associates in 2012 about reconsidering the “hate frame” as a useful progressive political frame. Michael and I had worked together before on my book, *Queer (In)Justice*, which he helped acquire for Beacon Press. Michael shared my PRA article with Beacon. Beacon was interested in the two of us joining together, opening up the discussion far beyond just specific kinds of progressive politics.

### What is the “hate frame”?

**KW:** We think of a frame as a conceptual, and often rhetorical, path that shapes how people think about an issue. It always suggests a particular direction we ought to go in to address the situation.

In U.S. progressive politics the hate frame has four main assumptions: First, that hate is rooted purely in irrational, personal prejudice and fear and loathing of difference. In fact, it’s also rooted in ideologies and supremacy, in a historical and cultural context. Second, that hate is hate, and the specificities don’t matter. Third, that the politics of hate is about that crazy irrational feeling, which is caused by personal prejudice



Photo: Cindy Trinh, [activistnyc.tumblr.com/](http://activistnyc.tumblr.com/)  
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gone amok. In this view, hate is not about structures, not about power hierarchies, not about institutional practice. Finally, that hate is perpetrated by extremists, misfits, and loners who are violating agreed-upon standards of fairness, and that hate violence is unacceptable and abhorrent to respectable society.

In fact, what is called “hate violence”—violence directed at vulnerable and marginalized groups—is not abhorrent to respectable society. On the contrary, respectable society has provided the models, policies, and practices that marginalize people of color, queers, disabled people, and in many respects, women. The hate frame disappears considerations of structural violence and substitutes in their place the idea that there are these crazed extremists, and that’s who we have to go after.

The overarching question of the book is how hate is mobilized for political purposes and in what ways that destroys the possibility for good discourse on structural issues.

### Do you think it’s counterproductive for watchdog organizations to monitor hate groups?

**KW:** It’s certainly important to understand how readily blatantly racist, xenophobic, and anti-queer ideas that gain steam on what we think of as the margins seem to migrate into mainstream politics. But the “hate group” descriptor is imprecise

Beyerstein, continued on page 19

# When the Exception Is the Rule

## Christianity in the Religious Freedom Debates

When historians recount the history of separation of church and state in our time, one of the signature events may be a federal court case that didn't even make it to the Supreme Court. It didn't need to.

The 2014 case of *General Synod of the United Church of Christ v. Cooper* was a landmark event because, although the case was ostensibly about opposition to marriage equality, the decision upheld foundational notions of religious equality and equal protection under the law that bind this diverse and often fractious nation. It at once affirmed the equal standing under the law of all religious and non-religious points of view and showed that the Christian Right does not represent all of Christianity.

At issue was a 2012 amendment to the North Carolina state constitution that provided that same-sex marriages were invalid. Together with the state's General Statutes, this amendment effectively criminalized the performance of same-sex marriage ceremonies. The upshot of the subsequent legal fight was that the million-member United Church of Christ (UCC), an historic Protestant denomination with roots dating back to the Plymouth Colony and more than 5,000 local churches, won a clear victory for both marriage equality and religious liberty.

"By depriving the Plaintiffs of the freedom to perform religious marriage ceremonies or to marry," the UCC complaint read in part, "North Carolina stigmatizes Plaintiffs and their religious beliefs." The complainants also argued that the law relegated same-sex couples "to second-class status." Along with same-sex couples, the plaintiffs included religious denominations and clergy from several traditions, including the Alliance of Baptists, the Association of Welcoming and

Affirming Baptists, and the Central Conference of American Rabbis. The complaint continued:

The laws forbidding same-sex marriage tell Plaintiffs that their religious views are invalid and same-sex relationships are less worthy, thus humiliating each Plaintiff and denigrating the integrity and closeness of families and religious organizations, depriving Plaintiffs of the inclusive religious community of family units they wish to establish.<sup>1</sup>

As a result, clergy in the UCC and fellow complainants,<sup>2</sup> who routinely perform same-sex marriage ceremonies, could have been subject to criminal prosecution. "We didn't bring this lawsuit to make others conform to our beliefs," UCC general counsel Donald C. Clark Jr. told *The New York Times*, "but to vindicate the right of all faiths to freely exercise their religious practices."<sup>3</sup>

The case had a complicated legal trajectory, but the final decision came from U.S. District Court Judge Max O. Cogburn Jr., who, after the Supreme Court declined to hear an appeal by the State of North Carolina in another case, declared in his written decision: "It is clear...that North Carolina laws...threatening to penalize those who would solemnize such marriages, are unconstitutional."

This case did not fit the culture war

narrative as promulgated by the Christian Right, wherein religious liberty debates simply pit secularism against Christianity.<sup>4</sup> It demonstrated that religious freedom is neither owned, nor entirely defined, by the Christian Right.

Many religious freedom cases turn on claims by conservative religious groups or individuals—or corporations—that various public policies and the rights of others, with which they disagree, violate their constitutional rights. Most famously, such claims have been made regarding businesses providing services such as cakes and flowers for same-sex marriages or providing contraception through

insurance packages.

But Cogburn's ruling, in addition to finding for the right to perform same-sex marriages, also underscored an idea that transcends the issues of the day: that religious liberty is only possible in the context of religious pluralism. By undermining the Christian Right's narrative about how Christianity is under attack due to the advance of LGBTQ rights and marriage equality, it also cast into sharp relief what Christian Right leaders

term 'Christian' very loosely," Perkins replied. "Here's a test of what is a true religious freedom: a freedom that's based on orthodox religious viewpoints. It has to have a track record; it has to come forth from religious orthodoxy."<sup>5</sup> In April 2015, Mike Huckabee, the former Republican governor of Arkansas, similarly told a group of ministers participating in an FRC-organized conference call that supporting marriage equality meant opposing Christianity. Raising the stakes, he further warned that trends to legalize same-sex marriage across the country would lead to the "criminalization of Christianity."<sup>6</sup>

The UCC case highlighted the rise of a distinctly theocratic politics at the highest levels of government and indeed, constitutional law, in which theocratic elements are reframing so called culture war issues involving homosexuality and reproductive justice as issues of religious liberty. It might be hard to see, given the nature of press coverage, but the culture wars have always been about more than abortion and the definition of marriage. Recent legal battles over religious liberty help to illuminate how that's so.

### THE MINISTRY OF TRUTH

Though you might not know it to read the news about religious freedom debates, not all Christian—let alone all religious—leaders share the same concerns as Huckabee and Perkins. J. Brent Walker, executive director of the Baptist Joint Committee for Religious Liberty (BJC), a longtime leading proponent of religious liberty in Washington, D.C., represents much of the Baptist world beyond the conservative Southern Baptist Convention. The BJC does not have a formal position on marriage equality, but the organization disagrees with the conflation of religious freedom with anti-marriage equality activism. Religious liberty in the U.S., Walker wrote in the Joint Committee's monthly newsletter, is protected "like no other place in the world." Providing LGBTQ people with "goods and services in the marketplace is an act of hospitality," he continued, that need not "indicate ap-

proval of their nuptial decisions or their sexual orientation."<sup>7</sup>

In a stark contrast to Walker, Perkins's and Huckabee's talk about religious freedom echoes the late theocratic theologian R.J. Rushdoony, one of the most influential evangelical thinkers of the 20th Century. "In the name of toleration," Rushdoony objected in his 1973 opus, *Institutes of Biblical Law*, "the believer is asked to associate on a common level of total acceptance with the atheist, the pervert, the criminal and the adherents of other religions."<sup>8</sup> Many other recent leaders of the Christian Right do not in fact believe in civic equality for those with whom they religiously disagree or otherwise do not approve. And they usually ignore those who represent major religious institutions that hold different views, like Rabbi Steven Fox, Chief Executive of the Central Conference of American Rabbis, who, along with other Reform rabbis, declared in a statement regarding marriage equality, "There is no more central tenet to our faith than the notion that all human beings are created in the image of the Divine, and, as such, [are] entitled to equal treatment and equal opportunity."<sup>9</sup>

As complicated as these issues can be, what is clear is that when we talk about religious freedom, we do not all mean the same thing. The United States, which led the way on Enlightenment-era approaches to the rights of individual conscience and separation of church and state in a pluralist society, is still trying to get it right. While civil liberties and civil rights need not be seen as mutually exclusive, navigating the conflicting interests of personal conscience and the public interest is fraught even in the best of times. This task is made more difficult when not everyone shares the values and vision of religious pluralism and constitutional democracy, and indeed may see those values as obstacles to their own ends.

The idea of religious exemptions is not new. While they have a longer history than the last 100 years, in the 20th Century, exemption debates famously included issues like how to deal with conscientious objection to military service, requirements for safety features on horse-drawn Amish buggies driven on public roads, and even legal require-



Protesters gather in Washington, D.C., for the Stand Up for Religious Freedom rally.

Photo via Flickr and courtesy of the American Life League.

usually mean when they talk about religious liberty: not a broad understanding of religious freedom for all believers, but rather a narrowly-defined, theocratic religious supremacism.

The implications of the ruling weren't lost on the Right. A caller to the *Washington Watch* radio program hosted by Tony Perkins, president of the Family Research Council (FRC), asked him about the "Christian organization" that he heard had filed the suit. "I would use that

ments to seek medical treatment for children instead of relying on prayer. In more recent years, lawyers have litigated church zoning laws, regulations regarding religious homeschools and “troubled teen” group homes, vaccination requirements, and more.<sup>10</sup>

One of the guiding principles in weighing these decisions has been Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on religion, race, sex, and national origin. But even the Civil Rights Act created what are called “ministerial exceptions” for religious groups.<sup>11</sup>

Elements of the Christian Right are now seeking to expand the definition of a religious organization, and the extent to which religious exemptions extend to individual beliefs and religious institutions. The contemporary Christian Right’s notion that individuals and institutions should have the right to choose which laws they will respect and which ones they won’t is arguably one of the more extraordinary developments in American legal history. They are not only claiming the right to be selective about complying with the law, but are also claiming the right to determine the criteria by which such decisions are made.

In recent years this notion has dramatically influenced U.S. political and legal discourse. Those who embrace what theocratic evangelicals call a biblical worldview or what Catholics call the magisterium of the Church see their particular religious traditions as the sources of law to which all law must conform. Despite their many differences, these conservative believers have adopted a common platform regarding issues—as they define them—of life, marriage, and religious liberty.<sup>12</sup> But there are deep repercussions to each of these major coalitional tenets that are not always well reflected in public discourse.

On a wide range of matters—from abortion and contraception to LGBTQ civil rights and federal labor laws—the Christian Right, in both its evangelical and Catholic expressions, is seeking to find new approaches to ensuring that the law does not apply to them.

Sen. James Inhofe (R-OK), for exam-

ple, offered an amendment to the 2015 congressional budget that sought to apply the broad framing of the Christian Right’s political agenda to the relationship between the federal government and private contractors. “Federal agencies,” Inhofe’s amendment read in part, “do not discriminate against an individual, business, or organization with sincerely-held religious beliefs against abortion or that marriage is the union between one man and one woman.”<sup>13</sup> The amendment was unsuccessful, but it epitomizes the contemporary thinking of the Christian Right.

The current wave of state legislation

**The notion that these private businesses’ denial of service amounts to a religious freedom battleground is based on almost exclusively on the plaintiffs’ particular notion of Christianity.**

allegedly seeking to protect the rights of conscience of people opposed to homosexuality generally, and marriage equality in particular, may be best understood as abuses of the historic idea of religious freedom. Or, as it’s often put, it’s conservatives using the idea of religious freedom to justify discrimination.

Inhofe’s amendment, for example, would not have protected the religious beliefs of those individuals and institutions whose conscience compels them to respect reproductive rights and moral consciences, or those who honor and celebrate same-sex marriages. In fact, major, historic religious traditions and institutions support the very rights opposed by the Christian Right. Thus when the Christian Right (and the politicians who pander to it) invoke religious freedom, often they’re using it as an excuse to deny religious freedom to others.

It’s also worth underscoring that, as a practical matter, the “religious” in “religious freedom” genericizes what is almost exclusively an initiative of conservative Christian institutions.

#### **RELIGIOUS JUSTIFICATIONS FOR THE INDEFENSIBLE**

Some of the most widely publicized contemporary religious freedom conflicts involve individual florists and bakers refusing to provide flowers or cakes for same-sex weddings. The notion that these private businesses’ denial of service amounts to a religious freedom battleground is based on the claim that the proprietors’ faith forbids them from supporting something contrary to their particular beliefs about God. Almost exclusively, this has meant their particular notion of Christianity.

Such claims may not ultimately prevail, but within living memory, religious justifications have often been successfully used to justify discrimination of many kinds. Politicians and preachers alike cited Christianity and the Bible were cited to support generations of racial segregation in the U.S. But while the argument that religious beliefs should protect racial discrimination has lost its standing, the broader idea that faith merits exemptions from other anti-discrimination measures lives on.

In the 1983 landmark Supreme Court case of *Bob Jones University v. United States*, the federal government took the view that the Christian fundamentalist school was not entitled to its federal tax exemption if it maintained its policy against interracial dating. The case became a *cause célèbre* among the then-budding Christian Right, and was credited by New Right strategist Paul Weyrich and historian Randall Balmer, among others, as the catalyst that politicized conservative evangelicals.<sup>14</sup> The case, which began during the Nixon administration, was used as a political cudgel against Democratic President Jimmy Carter, turning many evangelicals against one of their own.

Bob Jones University argued that to censure an institution over this issue was a violation of religious freedom under the First Amendment. But the Supreme Court ultimately decided against them, declaring: “Government has a fundamental, overriding interest in eradicating racial discrimination in education... [which] substantially outweighs whatever burden denial of tax benefits places on [the University’s] exercise of their re-

ligious beliefs.” The Court made clear, however, that its verdict dealt “only with religious schools—not with churches or other purely religious institutions.”<sup>15</sup>

#### **EXPANDING THE DEFINITION OF MINISTRY**

A more recent Supreme Court case involved the expansion of the definition of religious ministry in ways that serve to broaden the set of institutions that qualify for exemptions from federal laws and regulations. Whereas these exemptions historically applied to a few highly specific cases, now a great range of religiously owned institutions is able to invoke them. There is a distinct trend in this regard, away from individual rights of conscience, and toward the rights of religious institutions.

This was on vivid display in 2015, when the Archbishop Salvatore Cordileone of San Francisco (following Catholic prelates in Cincinnati, Cleveland, Honolulu, and Oakland), declared that teachers—and perhaps all employees—in the Archdiocese’s schools would be required to conform to Catholic teaching in their personal lives.<sup>16</sup> Cordileone wanted unionized employees to accept contract and faculty handbook language that condemned homosexuality, same-sex marriage, abortion, contraception, and artificial insemination. He also said that Catholic school employees must not publicly contradict Church teachings.<sup>17</sup> Union leaders were concerned that the Archbishop was attempting to reclassify not only teachers but all employees of the school as part of the church’s ministry.<sup>18</sup>

As chair of the Subcommittee for the Promotion and Defense of Marriage of the United States Conference of Catholic Bishops (USCCB), Cordileone is a leading culture warrior in the church. He was one of at least 50 prelates who signed the *Manhattan Declaration*, the historic 2009 manifesto which formally aligned Catholic and evangelical leaders on a shared 21st Century culture war agenda.<sup>19</sup>

The underlying legal justification for Catholic bishops to impose religious doctrine on school employees was the unanimous 2012 decision of the Supreme Court in *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*. In that case, a mainline Lutheran school had fired a kindergarten teacher over

issues arising because of a disability, leading to a discrimination claim by the dismissed teacher. The church argued that the government had no right to intervene in its employment decisions because the teacher served in a ministry capacity. The Court agreed, and in so doing, expanded the definition of which

retain an unwanted minister, or punishing a church for failing to do so, intrudes upon more than a mere employment decision...By imposing an unwanted minister, the state infringes the Free Exercise Clause, which protects a religious group’s right to shape its own faith and mission through its appointments.”



Bishop Salvatore Cordileone at the Marriage March in Washington, D.C., 2013. Photo via Flickr and courtesy of American Life League.

employees are covered by the term—and who would then be exempt from normal employment protections.

Religious institutions themselves have long enjoyed a “ministerial exemption” from certain labor laws. *Hosanna-Tabor* expanded that and opened the door to further expansion. Catholic and evangelical colleges and universities may be among the first to walk through that door, as they are increasingly claiming creeping violations of institutional religious liberty—from concerns about the Obama administration’s “contraception mandate” (which may apply to church-related colleges and universities, the *Hobby Lobby* decision notwithstanding) to a 2014 ruling by the National Labor Relations Board that permits unionization of employees at religious and other private universities.<sup>20</sup>

The reasons for religious freedom exemptions in churches’ employment practices are understandable. As Chief Justice John Roberts wrote in his opinion, “Requiring a church to accept or

However, calling a kindergarten teacher of numerous subjects, including math and social studies, a minister was a significant stretch. The teacher in question spent only a few minutes each day leading students in prayer or teaching religion for short intervals across the week. Nevertheless, this was sufficient in the view of the court, which decided not to “adopt a rigid formula for deciding when an employee qualifies as a minister.”<sup>21</sup>

Advocates for expanded exemptions for religious institutions in this area, such as the Institutional Religious Freedom Alliance, saw the decision as a “stunning victory” and a departure from “the usual focus on the religious rights of individuals.”<sup>22</sup>

Still, much was left unresolved. Although the decision drew a bright line—that government may not interfere with personnel decisions regarding persons in ministry—the extent to which religiously-affiliated institutions such as schools, charities, hospitals, and perhaps even for-profit businesses can define employ-

ees as ministers is now a fair question. And it's one that's certain to be tested as conservative religious movement leaders seek to carve out zones of exemption from the advance of secular law. Christian Right leaders certainly see many opportunities in broadening the legal definition of ministry.

Dr. C. Peter Wagner, founder of the dominionist New Apostolic Reforma-

**The Liberty Institute called for organizations to "religify" their organizational documents in order to fall under the definition of a ministry.**

tion and a longtime professor of church growth at Fuller Theological Seminary,<sup>23</sup> observed that "not only churches, but ministries supported by the church are included in [the *Hosanna-Tabor*] ruling. Schools are specifically mentioned, but how about a number of other kinds of ministries attached to our churches and apostolic networks? I would think they would fall under the same umbrella."<sup>24</sup>

Mormon Elder Dallin H. Oaks, a member of the Quorum of the Twelve Apostles of the church, said he found "comfort" in *Hosanna-Tabor*, against the "threat" of governmental actions that he believes "are overshadowing the free exercise of religion by making it subordinate to other newly found 'civil rights.'"<sup>25</sup>

Cardinal Timothy Dolan of New York came to a similar conclusion when he discussed the core issue in the landmark case of *Burwell v. Hobby Lobby Stores, Inc.* (discussed below) a few years later. The so-called contraception mandate, he declared, was primarily about "the raw presumption of a bureau of the federal government to define a church's minister, ministry, message and meaning."<sup>26</sup>

This year, Jeff Mateer of the Liberty Institute, a Texas-based legal advocacy group, began preparing manuals for what the Institute suggested is an inevitable wave of anti-religious legal attacks against everything from churches to frat houses to for-profit corporations.<sup>27</sup> They called for organizations to "religify" their organizational documents, from bylaws

to employee job descriptions, to specifically reflect doctrine so that they may fall under the definition of ministry. This, they suggested, would be part of an inoculation against civil lawsuits and government regulation.<sup>28</sup>

We have become familiar with how, when the goals of the Christian Right conflict with the rights of others, the conflict is framed as an attack on Christianity or, more broadly, religion. Seen from their perspective, there's logic to this argument. Conservative Christians have long understood that the origins and trajectory of religious freedom in America run against the hegemony of conservative Christian churches that enjoy a close relationship with the state and its leaders.

#### TURNING PHRASES

Many of the contemporary legal struggles rest on the definition of particular terms and phrases originating in federal legislation or Supreme Court decisions. In addition to ministry, one of the key terms on which religious exemptions to state and federal laws now turn is the phrase "sincerely held religious belief." The current use of the phrase is rooted in the federal 1993 Religious Freedom Restoration Act (RFRA),<sup>29</sup> which enjoyed overwhelming support in Congress and was signed into law by President Bill Clinton. RFRA was an answer to the Supreme Court's 1990 decision in *Employment Division v. Smith*, which had upheld the right of the State of Oregon to deny unemployment benefits to Native American employees fired for using peyote in a religious ritual. Here Congress sought to restore the rights of Native Americans for whom peyote was part of their religious practice. More broadly, Congress wanted to reaffirm that a person's sincerely held religious belief may not be substantially burdened unless the government can justify the law with a compelling state interest, show that the law is narrowly crafted to protect that interest via the "least restrictive means" possible.<sup>30</sup>

A later Supreme Court decision limited the scope of the law to the federal government, leading some states to pass state-level versions of RFRA.<sup>31</sup> Most of these laws were simply intended to replace the

loss of the federal RFRA, but in the past few years, modified state RFRA have been introduced with the obvious intention of justifying discrimination against same-sex couples by businesses and even government agencies.

Concepts that meant one thing in the federal RFRA have come to take on new meanings when applied at the state level in the wake of the 2014 *Hobby Lobby* case (and the related *Conestoga Wood v. Burwell*). That Supreme Court decision extended, for the first time, religious rights to a "closely held" private corporation, stating that the company—not a church, or school, but a chain of craft stores—did not have to offer certain contraceptives via the company health plan because the owners of the company believed these contraceptives to be abortifacients (a position contradicted by every major medical organization in the country). The Court held that Hobby Lobby was exempt from the Affordable Care Act's requirement that insurance packages cover these contraceptive options because, as Justice Samuel Alito put it in the majority opinion, requiring the corporation to provide this contraceptive coverage imposed a "substantial burden" on companies' sincerely held religious beliefs.

The four dissenting justices said the majority opinion expanded the federal RFRA to protect companies in ways unintended by Congress. Justice Ruth Bader Ginsburg wrote, "The court's expansive notion of corporate personhood invites for-profit entities to seek religion-based exemptions from regulations they deem offensive to their faiths." She said, for example, that a company could decide that covering vaccinations or paying the minimum wage violates their religious beliefs. She also noted a past religious freedom challenge from a restaurant chain that didn't want to serve African-Americans, and that of a photography studio that didn't want to take pictures at a lesbian couple's commitment ceremony.

Ginsberg's concerns are being realized in the efforts to insert "Hobby Lobbyized" provisions into state RFRA. Conservative supporters of these bills have claimed that the state and federal RFRA are all the same. This is not only false, but transparently so. The shorthand in the Indiana legislature for the state RFRA

was "the Hobby Lobby bill."<sup>32</sup> The fact is that the federal RFRA—and until recently, most state RFRA—applies only to government actions. The Hobby Lobbyized state RFRA added language—at the behest of Alliance Defending Freedom, the Becket Fund, the Mormon Church, and allies at the United States Conference of Catholic Bishops—that sought to extend exemptions to third parties, such as corporations and individuals, on the grounds that providing services to LGBTQ people violates their consciences. In some cases the language may be broad enough to claim religious exemptions from standing civil rights laws in the manner that concerned Justice Ginsberg.

Indiana conservatives were open about their goals: they intended the state's new Religious Freedom Restoration Act to provide a faith-based defense against discrimination claims, should a business decline to provide services on account of their beliefs.<sup>33</sup> But, faced with widespread public outcry, the state's governor and legislature were compelled to amend the law to explicitly state that their RFRA did not provide a license to discriminate against LGBTQ people. This in turn led to loud objections from Christian Right leaders, who correctly understood that the original bill would do just that. Tony Perkins of the Family Research Council said the clarification made matters worse by forcing "religious businesses and even non-profits deemed 'not religious enough' to participate in wedding ceremonies contrary to their owners' beliefs. If the government punishes people for living their faith, there are no limits to what government can control."<sup>34</sup>

#### A NEW ERA FOR RELIGIOUS EXEMPTIONS

As this article was going to press, the Supreme Court recognized marriage equality as a "fundamental right" in the case of *Obergefell v. Hodges*. The court was silent on the matter of exemptions, but Justice Anthony Kennedy, writing for the 5-4 majority, emphasized that religious institutions and individuals "may continue to advocate" in opposition.

"The First Amendment ensures that religious organizations and persons are given proper protection as they seek to teach the principles that are so fulfilling and so central to their lives and faiths," he wrote, "and to their own deep aspirations to continue the family structure



Tony Perkins speaking at the 2015 Conservative Political Action Conference (CPAC) in National Harbor, Maryland. Photo via Flickr and courtesy of Gage Skidmore.

they have long revered."<sup>35</sup> The question of what constitutes "proper protection" may well lead to a continuation of the Christian Right's approach to advocacy for many kinds of religious exemptions, albeit on a vastly altered playing field.

Perkins shed light on this strategy in a column in *The Patriot Post*:

The clash between religious liberty and same-sex "marriage" continues to explode in businesses across America, where shop owners, B&Bs, and other vendors try to come to grips with the government's twisted definition of "tolerance." Faced with losing their jobs, businesses, and life savings, most Christians want to know: isn't there anything we can do?

There is. In at least 10 states, conservatives are fighting back with a string of Religious Freedom Restoration Acts (RFRA), [which] give men and women of all faiths a powerful tool to stop the government from walking all over their beliefs on issues like marriage and sexuality.<sup>36</sup>

There will always be tensions in recon-

ciling religious beliefs with the rights of others, but there will also always be people who will exploit the normal strains of a religiously plural society for their own political ends. The issues of the so-called culture wars have been recast as a battle over the definition of religious liberty.

There is a deep, dominionist agenda in play here, with the battle over religious liberty at its cutting edge, and it is not limited to matters before the courts.

We live in theocratic times. Not in the sense that the United States has become a theocracy, but in that the uneasy theocratic coalition we refer to as the Christian Right remains one of the most powerful and dynamic religious and political movements in American history. Like any other large coalition,

the interests of the main players are sometimes in conflict. But they remain bound together by a shared opposition to religious pluralism, the rights of individual conscience, and the separation of church and state.

Historian and Christian Right theorist Gary North argues that the ratification of the Constitution signified a clean "judicial break from Christian America." He was referring to the proscription of "religious tests for public office" in Article VI, which he correctly observed erected a "legal barrier to Christian theocracy" that led "directly to the rise of religious pluralism."<sup>37</sup> Article VI is, of course, not the only codified barrier to Christian theocracy. But the theocratic activists of modern America are patient revolutionaries. For the rest of us, learning how to recognize, anticipate, and respond to the Christian Right's theocratic agenda remains one of the central tasks of our time. ☪

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# Latin America in the Crosshairs

## Alliance Defending Freedom Takes Aim

The annual meetings of the Organization of American States (OAS), of which the United States is a member, are generally staid affairs. Heads of state and their representatives get together to talk shop about trade, territorial disputes, poverty, indigenous issues, and health, among other concerns. Then they leave, having signed agreements to promote peace, equity, and human rights. In 2013, during the 43rd OAS General Assembly in Guatemala, this quiet forum for regional negotiation suffered what amounted to a major diplomatic faux pas when demonstrators disrupted the public sessions and rallied outside the hotel where the Assembly was taking place.<sup>1</sup> At issue were two seemingly uncontroversial treaties: the Inter-American Convention against All Forms of Discrimination and Intolerance, and the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance.

Protesting loudest were conservative Catholic and evangelical churches and their civil society partners. They were incensed that both conventions included protections against discrimination based on sexual orientation and gender identity. As they saw it, this was a gateway to marriage equality. And on a personal level, they claimed, it was tantamount to religious persecution that infringed on their right to religious freedom.

Others echoed these themes, but

more quietly, and to greater effect. Neydy Casillas Padrón, with the conservative U.S. organization Alliance Defending Freedom (ADF, formerly Alliance Defense Fund), played a behind the scenes role in Guatemala, working the delegates in the room rather than lifting placards on the protest front lines.<sup>1</sup> As she later commented in an interview with Catholic News Agency af-

prise. ADF, an Arizona-based, right-wing religious legal organization, has, in the last decade, made a dedicated push to grow its international portfolio. Having made significant inroads domestically, they moved into Europe, Eastern Europe, and Southeast Asia. This year, ADF announced their southern expansion into Latin America.<sup>3</sup>



OAS Inter-American Commission on Human Rights meeting in Washington, D.C., 2012. Photo via Flickr and courtesy of Juan Manuel Herrera/OAS.

filiate ACI Prensa, “Thanks to God we did enormous work here and were able to prevent many countries from signing this convention.”<sup>2</sup>

Casillas Padrón’s participation in the regional meeting should come as no sur-

### BACKGROUND

Alliance Defending Freedom is an enormous enterprise. Founded in 1994 by a group of white, male, hard-right conservative evangelical Christians,<sup>4</sup> ADF morphed from a modest outfit<sup>5</sup> to

the \$40 million behemoth it is today.<sup>6</sup> It was created out of concern that “the Body of Christ in America was in big trouble” because the American Civil Liberties Union (ACLU) was out to clamp down on religious expression.<sup>7</sup> An “effective battle plan” was needed to respond to the crisis; ADF was to be the legal army.

Today, ADF is one of the largest conservative legal organizations in the United States, with a budget dwarfing those of sister groups like the Becket Fund and Liberty Counsel. Indeed, one might argue that it is chiefly responsible for the rightward jurisprudential shift on religion in the public sphere. ADF engages the question of religious freedom broadly. They are best known for litigating on the role of religion in public life, a category encompassing abortion, LGBTQ rights, freedom of expression—including the right to religious free speech in public schools—homeschooling, parental rights, and family, among other issues. Ultimately, all of this feeds into ADF’s fundamental mission: “transforming the legal system through Christian witness.”<sup>8</sup>

ADF is first and foremost a litigation operation. They have a roster of over 2,400 affiliated lawyers across 31 countries,<sup>9</sup> and enough pro bono attorneys to generate volunteer services worth over \$146 million.<sup>10</sup> No case is too small, or too big. The organization has covered lower profile cases, including representing a British Airways employee who was asked to cover up a cross necklace, and they have been involved—either by directly litigating, funding lawyers, or filing amicus briefs—in major cases such as *Citizens United v. FEC*, *Burwell v. Hobby Lobby*, and the legal struggles around Terri Schiavo. ADF claims to have been involved in over 500 cases, not just in U.S. courts, but also in six continents and 41 countries,<sup>11</sup> including Argentina, Belize, Honduras, Mexico, Peru, Slovakia, and India.<sup>12</sup>

ADF’s commitment to the next gen-

eration is similarly impressive. They run many well-funded youth and law student training projects as part of their long-term strategy to grow and strengthen their cadre of right-wing lawyers and advocates. The Alliance Defending Freedom Academy targets a wide range of individuals around the globe for training on the promotion of the right to freedom of worship. This includes not just lawyers, but also the media and clergy. The Alliance Defending Freedom Collegiate Academy and the Blackstone Legal Fellowship reach students domestically. At the international level, ADF runs the Areté Academy, a weeklong Christian law students’ training project.<sup>13</sup>

### GLOBAL INITIATIVE

ADF’s ambition is boundless; they work not only in national courts, but are also vigorously inserting themselves in regional courts and at the United Nations. In 2010, ADF launched their Global Initiative, ramping up the “international fight for religious liberty for Christians and establishing a larger ADF footprint to accomplish this mission.”<sup>14</sup> That same year, ADF was granted United Nations ECOSOC<sup>15</sup> special consultative status.<sup>11</sup> This status is significant because it gives them virtually unfettered access to U.N. missions during key convention and treaty-drafting meetings. They advocate face-to-face with delegates and help them develop rights-limiting language for inclusion in U.N. documents.<sup>16</sup>

In 2012, ADF opened their first international office in Vienna, Austria, which enabled them to easily toggle between the various European courts, including the European Court of Human Rights in Strasbourg.<sup>17</sup> They have also inserted

themselves at the European Union Agency for Fundamental Rights in Vienna, the European Parliament in Brussels, and the Organization for Security and Cooperation in Europe.<sup>18</sup> In all these regional bodies they have focused their efforts on issues like abortion, euthanasia, registration of churches, and homeschooling, wielding their influence across countries such as Sweden, Turkey, Germany, Hungary, and Bulgaria.<sup>19</sup>

One of the reasons ADF is so active abroad is that U.S. courts are increasingly citing international jurisprudence in their

One might argue that ADF is chiefly responsible for the rightward jurisprudential shift on religion in the public sphere.

decisions.<sup>20</sup> Accordingly, ADF’s global interventions are aimed at creating foreign rulings that serve their domestic objectives. Piero A. Tozzi, ADF’s former senior legal counsel for the Global Initiative and a current congressional staffer for the indefatigable anti-choice U.S. Representative Chris Smith (R-NJ),<sup>21</sup> admits that their overseas work is more U.S.-centric than it first appears. He says, “It’s intrinsically good to be helping people in their countries fight the Culture of Death, but an additional factor is that what happens abroad impacts the U.S.”<sup>22</sup>

### LATIN AMERICAN EXPANSION

Recently, ADF has become active at the Inter-American Court of Human Rights, the judicial OAS agency responsible for monitoring human rights accountability in Latin America. Unlike Western Europe, which tends to be fairly progressive on issues of sexual and reproductive health

ii. This greatly enhanced their ability to influence U.N. treaties and conventions. It also supported one of their main objectives: keeping an eye on the domestic prize of preventing adverse international policies from affecting U.S. law. In addition, ADF uses its time at the U.N. to strengthen its collaboration with conservative states and NGOs, especially countries and organizations in Latin America. They have hosted events with the Mission of Nicaragua, and are chummy with the Missions of Mexico, Chile, and Guatemala. The list of ADF’s international NGO partners on U.N. CSO statements is extensive, and overwhelmingly populated by groups from Latin America, many of which ostensibly work with vulnerable populations. (Alliance Defending Freedom, “Address to Member States on International Conference on Populations and Development [ICPD],” United Nations Department of Economics and Social Affairs, 2014, [http://www.un.org/en/development/desa/population/pdf/commission/2014/ngo/Agenda%20item%204/ADF\\_Item4.pdf](http://www.un.org/en/development/desa/population/pdf/commission/2014/ngo/Agenda%20item%204/ADF_Item4.pdf); Alliance Defending Freedom, “ADF Increases Global Impact with New Status at the United Nations,” Alliance Defending Freedom, July 28, 2010, <http://www.alliancedefendingfreedom.org/News/PRDetail/4201.1>.)

i. Casillas Padrón is a Mexican lawyer currently living in Washington, D.C. In addition to attending the General Assemblies of the Organization of American States (OAS) meetings in Guatemala (2013) and Paraguay (2014), she makes regular speaking tours in Latin America, presenting at both Catholic and evangelical events on behalf of ADF. Of special interest is her recent trip to Guatemala; it is clear, following the 2013 OAS General Assembly, that Guatemala is emerging as a regional leader in the fight against LBGTQ and abortion rights.



Chilean pro-choice march, 2013. Photo via Flickr and courtesy of The Santiago Times.

and rights and LGBTQ equality, the panorama in Latin America is more complicated. Many countries in the region are headed by progressives, including some who self-identify as leftists or are former revolutionaries, such as Dilma Rousseff, Daniel Ortega, Evo Morales, and Rafael Correa, to name a few. However, there is often a disconnect between their liberal posturing and their policies on abortion and LGBTQ rights. Latin American leftists don't automatically support progressive positions on these issues. In fact, many of their policies are downright repressive.

On the issue of abortion, the region has some of the most restrictive laws in the world: three out of the four countries with total abortion bans—bans prohibiting even life-saving abortions—are in Latin America.<sup>iii</sup> There is seemingly more leniency on the issue of LGBTQ rights.

Three countries in the region allow same-sex marriage, and several others permit same-sex civil unions.<sup>iv</sup> Still, governments tend to legislate on social issues guided less by human rights concerns and more by the moral legacy of European colonization and pressure from conservative Catholic and evangelical hierarchies.

Despite this, the women's and LGBTQ rights movements are strong, and there has been a recent trend toward legislative reform on abortion in countries like Uruguay, Bolivia, and Argentina. Moreover, regional bodies like the Inter-American Court and Inter-American Commission on Human Rights have been issuing positive decisions and statements on abortion and LGBTQ rights.

This is most likely why ADF has developed such a keen interest in Latin America. Mirta Moragas Mereles, of the Campaign for an Inter-American Convention

on Sexual and Reproductive Rights, is a Paraguayan activist with many years' experience at the OAS. She points out that "ADF is late to the game. Women's rights and gay rights groups have been active in the inter-American systems for years. Now, all of a sudden, since 2013, we see them aggressively engaging. And their politics are reactive and obstructionist."<sup>23</sup>

ADF's first Latin American office was in Mexico, headed by the attorney Sofia Martinez.<sup>v</sup> They have since been steadily growing their operation. ADF has a dedicated focus on the Organization of American States, and they are planning, over the next three years, to open offices in Chile and Costa Rica.<sup>24</sup> ADF's work with the OAS is bifurcated between the Costa Rica-based Inter-American Court of Human Rights and their Washington, D.C., office, where the Inter-American Commission on Human Rights (IACHR) is housed.<sup>vi</sup> ADF quickly established themselves in the system, even managing to meet with the new OAS secretary general the month before he was elected.<sup>25</sup> It should be noted that as this issue was going to press, the inter-American system was holding elections for new commissioners and judges,<sup>26</sup> opening the possibility for a reconstitution of the Court and Commission with conservative leanings.

Chile is in some ways an odd choice for ADF. The country is solidly conservative on social issues and doesn't necessarily wield the same regional influence as countries like Brazil or Argentina. Still, Chile is undergoing a fraught legislative debate on abortion, so perhaps they are hoping to establish an operational beachhead in a country where they can claim to have staved off abortion reform.

ADF takes an opportunistic approach to its Latin American advocacy. In 2011,

they submitted an amicus brief before the Inter-American Court of Human Rights on behalf of a Chilean father embroiled in a child custody battle with his ex-wife. The Chilean courts originally denied the mother, who is gay, custodial rights because of her sexual orientation. The mother took the case to the Inter-American Commission of Human Rights, which sided with her. The case was then bumped up to the Inter-American Court, which has the authority to issue a binding decision. It was at that point that ADF submitted its brief. According to a translation by the conservative advocacy group C-Fam, ADF contemptuously argued that the Commission's punishing the judges who ruled against the mother "indicates that the Commission must have been overcome by a reckless ideological impulse, in service of which all other principles must be cast aside."<sup>27</sup>

But perhaps the most significant action with which they were involved at the Inter-American Court of Human Rights was the 2012 landmark case *Artavia Murillo et al v. Costa Rica*. This case was brought to the Inter-American Court on behalf of nine infertile Costa Rican couples. The claim argued that when Costa Rica declared in vitro fertilization (IVF) unconstitutional in 2000, the state was violating the couples' rights to privacy and family by denying them alternative means to have children. The government's prohibition of IVF was predicated on the country's constitutional protection of life from conception.

ADF was involved in this case even before it reached the Inter-American Court. In 2010, the Inter-American Commission on Human Rights issued recommendations to Costa Rica that the country lift its IVF prohibition. By the following year, in July 2011, Costa Rica had made no progress toward IVF legal reform, so the IACHR sent the case to the Inter-American Court. That same month, ADF sent a letter to every congress member, urging them to uphold the ban based on the protection of life from conception.<sup>28</sup> Interestingly, ADF also argued that the

heart of this case was really an issue of national sovereignty and a country's right to self-determination. One year later, ADF submitted an amicus curiae<sup>29</sup> to the Inter-American Court. This brief followed the same reasoning as the letter to Costa Rican congress members, again arguing for a "margin of appreciation" for the state to best decide how to protect "the life of a developing human being."

In 2012, the Court ruled that the "right to life should not be understood as an absolute right, the alleged protection of which can justify the total negation of other rights."<sup>30</sup> This progressive ruling is very significant, and not just on the issue

Even though ADF has effectively inserted itself in various OAS processes, it seems intent on casting itself as marginalized by the very system it seeks to conquer.

of IVF. It provides the grounds for challenging laws in countries that criminalize access to safe and legal abortions based on a constitutional protection of life from conception. This was a solid defeat for ADF.

#### A STRONG FUTURE IN LATIN AMERICA

Nevertheless, ADF is uncowed and continues making long-term investments in the inter-American human rights systems. Neydy Casillas Padrón, ADF's legal advisor to Latin America, is also their permanent representative to the OAS.<sup>31</sup> While delegates were debating ratifying the Convention Against Racism during the 2013 OAS Guatemala meeting, Casillas Padrón, an aggressive advocate, was reportedly lobbying delegates not to sign, claiming the Convention would violate their religious freedom because it "treats homosexuals like VIPs, and relegates the rest of us to second class citizenship."<sup>32</sup>

Casillas Padrón's 2013 OAS interventions bore fruit the following year at the 2014 OAS General Assembly in Asunción, Paraguay. Casillas Padrón reported that around 60 anti-choice activists from 10 countries in the region lobbied then-

OAS Secretary General José Miguel Insulza to create "family-friendly" policies, including protection of life from conception, for implementation at the national level.<sup>33</sup> Apparently demand was so great that the OAS was forced to create a separate space for conservative anti-rights groups. All of this, according to Casillas Padrón, led the different organizations to come together as a cohesive coalition: "a voice that has become active, a voice that participates, a voice that opposes the pro-abortion and homosexual agenda, a voice that will be silenced no more."<sup>34</sup> Others in her camp go further, crediting Casillas Padrón as the leader of the movement to "stop the gay agenda," and lauding her activism in the year leading up to the Paraguay meeting.<sup>35</sup>

Even though ADF has effectively inserted itself in various OAS processes, it seems intent on casting itself as marginalized by the very system it seeks to conquer. In

April, at a press conference during the Summit of the Americas, Casillas Padrón joined a crowded table of conservatives decrying ADF's exclusion from the event. Casillas Padrón, ever prone to hyperbole, claimed that the OAS, and the Summit in particular, were promoting "a new kind of ideological dictatorship intent on eliminating the very values that define Latin Americans."<sup>36</sup>

Moving forward, it is clear that Latin America is in the crosshairs for ADF. The more the OAS, the Inter-American Court, and the Inter-American Commission issue positive decisions and recommendations, the more ADF has a vested interest in ensuring this does not become a pattern for the region. As they are always keen to point out, being active in these legal circles helps "head off dangerous legal precedents before they impact American courtrooms."<sup>37</sup> It's a strategy that progressives would do well to recognize. ☪

*Gillian Kane is a senior policy advisor for Ipas, an international women's reproductive health and rights organization. She served on the editorial board for The Public Eye from 2008 to 2012.*

iii. Chile, El Salvador, and Nicaragua have total abortion bans. An Ipas study on the enforcement of criminal abortion law in Latin America finds that a host of additional human rights violations can occur when people are incarcerated for receiving illegal abortions. In countries like El Salvador, there are many cases of wrongful convictions of defendants who have miscarried a pregnancy and were then sentenced to prison, sometimes for up to 30 years, for having an illegal abortion. (Ipas, *When Abortion Is a Crime: The threat to vulnerable women in Latin America*, 2014, <http://www.ipas.org/en/Resources/Ipas%20Publications/When-abortion-is-a-crime--the-threat-to-vulnerable-women-in-Latin-America.aspx>)

iv. Same-sex marriage is legal in Brazil, Argentina, Uruguay, and some states in Mexico. Several countries, including Colombia and Ecuador, allow same-sex civil unions.

v. Martinez was previously their counsel for the U.N. and was particularly active at last year's U.N. meeting of the Commission on the Status of Women, where ADF has maintained an active presence the past three years. It was reported that she was a member of the official Mexican delegation.

vi. The IACHR and the Inter-American Court of Human Rights are the two primary OAS bodies for promoting and protecting human rights. The Commission is responsible for adjudicating on specific cases of human rights violations, while the Court is responsible for issuing opinions and legal interpretations on cases brought by the IACHR or other OAS member states.

# Big Questions About Templeton

## How the Philanthropic Giant Legitimizes Faith Healing

On May 18, 2012, *Christianity Today*, the most influential magazine within evangelicalism, reported that there were “credible reports” that Christian evangelist Heidi Baker had healed the deaf and raised people from the dead where she was working in Mozambique.<sup>1</sup> Baker claimed that “100% of the deaf in the Chiure area” of the country had “been healed through prayer.” In addition, Baker argued that “scores” of people had been resurrected and the blinded and disabled “restored.”<sup>2</sup>

Such a report must have struck some *Christianity Today* readers as oddly out of place; the magazine has long been known for approaching the miraculous much more cautiously than competitors like *Charisma*, the leading magazine for Charismatic and Pentecostal believers.<sup>1</sup> Yet *Christianity Today*'s coverage of Baker's activities could not have been more credulous; the magazine valorized Baker's missions and healing activities in Africa, stopping just short of declaring her an evangelical saint.<sup>3</sup>

In the course of the article, two academics were quoted regarding Baker: Indiana University's religious studies professor Candy Gunther Brown and Michael McClymond, a theology professor at St. Louis University. Both academics were quite flattering in their description of Baker. For example, Brown commented that “Heidi is a hero to young women,” so much so that scholars joke about “Heidiolatry.”<sup>4</sup> Indeed, Brown had been

so intrigued by Baker's claims that she “sought to verify them scientifically.” Thus Brown and a small team traveled to Mozambique and tested 24 Mozambicans “before and after healing prayer.” Brown found “statistically significant improvements in hearing and vision”<sup>5</sup>—an astounding claim, given that previous studies concerning the efficacy of prayer have reported mixed results at best.<sup>6</sup>

The lion's share of Brown's funding came from the John Templeton Foundation's Flame of Love Project, which contributed \$150,000 dollars to her research.<sup>7</sup> The Templeton Foundation was founded by billionaire Sir John Templeton, who made his fortune in mutual funds. Templeton had a keen interest in religion, his own beliefs an eclectic union of Presbyterianism, New Thought, and Eastern influences; he borrowed from sources ranging from Norman Vincent Peale to Ramakrishna. Many of the traditions Templeton drew from emphasize spiritual exploration, “mind over matter” ideology, and positive thinking.<sup>8</sup> Today, the \$3.34 billion-endowed John Templeton Foundation awards some \$100 million in grants yearly to organizations and projects that study the intersection of religion and science.<sup>9</sup> There's the eight-year, \$9.8 million grant given to Duke University's Center for Spirituality,



John Templeton introduces the 2011 John M. Templeton Jr. Lecture on Economic Liberties and the Constitution. Photo via Flickr and by Jeff Fusco, use courtesy of the National Constitution Center.

Theology and Health, as well as a nearly \$2.2 million grant awarded to the University of Pennsylvania for the establishment of a Positive Psychology Center, which afforded the Foundation the opportunity to exercise important influence over this emerging school of psychology.<sup>10</sup>

In general, the Foundation has sought to create a rapprochement between science and religion—from healthcare to biology, positive psychology to theology.

While this goal has been heavily criticized by many scientists (for instance, prominent physicist Sean Carroll<sup>11</sup>), the Foundation has made a major name for itself in academia, thanks in part to increasing competition for research funds among academics. This article seeks to trace the impact of the Templeton Foundation by exploring a slice of its influence on research into the Charismatic and Pentecostal movements.

### THE TEMPLETON FOUNDATION

The origins of the Foundation can be traced to the Templeton Prize for Progress in Religion, founded in 1972 and given “each year...to a living person who has shown extraordinary originality in advancing humankind's understanding of God.”<sup>12</sup> The Prize originally operated like a Nobel Prize for religion,<sup>13</sup> though today it is as likely to be awarded to scientists as to theologians or other spiritual leaders.<sup>14</sup> At the time that Templeton formed his Foundation in the mid-'80s, writes journalist Nathan Schneider, “conventional wisdom . . . held that religion would retreat as science secularized the world.”<sup>15</sup> Templeton sought to forestall this decline. What allowed the Foundation's religion and science agenda to take off, however, was Harvard planetary scientist Charles Harper's 1996 decision to join the Foundation as its executive director. Harper took Templeton's ideas and visionary speculations and shaped them “into a package of programs that could begin to look credible to the scientific community.”<sup>16</sup>

Much ink has been spilled about the Templeton Foundation's influence on research in the hard sciences. Zoologist and outspoken secular activist Richard Dawkins has quipped that the Templeton Prize is usually given “to a scientist who is prepared to say something nice about religion.”<sup>17</sup> Jerry Coyne, a prominent American biologist, condemned Templeton's mission as a “serious corruption of science” and warned of the “cronyism that has always infected Templeton,”<sup>18</sup> particularly in relationship to its study of “Big Questions,” a somewhat vague field of inquiry centered on quandaries like the nature of free will, consciousness, and evil.<sup>19</sup> Sean Carroll's criticisms of Templeton are somewhat more measured; he does not think there is any hard evidence

that “Templeton works in nefarious ways to influence the people it funds.” For Carroll, the problem isn't that Templeton is anti-science, but rather that “their views on science are very wrong.”<sup>20</sup> Quantum physicist Michael Brooks echoes these views in the *New Scientist*, contending that Templeton does a disservice not so much to science as to religion, by advancing a conception of religion so “stripped-down, vague and woolly” that it “puts the new Templeton religion comfortably beyond assault from questioners.”<sup>21</sup>

Within the hard sciences, a firm ideological line has developed between critics of the Foundation—many of whom are New Atheists—and supporters of the Foundation, which can sometimes lead to charges of partiality and anti-religious prejudice. Yet even Jeffrey Schloss, a Templeton trustee, has admitted that without the Foundation, there would “be a bit less accommodationist fluff that proposes integration [between religion and science] at the expense of rigor.”<sup>22</sup>

While the Foundation's influence on the hard sciences has often been the focus of criticism, the social science- and healthcare-related research in which it engages can be far more problematic. The more subjective nature of the social sciences—and, to a lesser extent, healthcare—may make these fields more vulnerable to pseudoscientific concepts and dubious methodologies.

The ready acceptance of pseudoscience undergirds Templeton's “history of seeding fields of study almost from scratch,” as Nathan Schneider describes it.<sup>23</sup> In the early 1990s, the Foundation began heavily funding the National Institute for Healthcare Research (NIHR), an organization established “to ‘objectively’ examine the role that religion and spirituality might play in physical and mental health.”<sup>24</sup> At the time, hardly any medical schools offered courses on religion. But today, after two decades of Templeton-promoted research, three-quarters of U.S. medical schools utilize spirituality within their curricula.<sup>25</sup> This development was facilitated by a combination of awards given to NIHR researchers; an NIHR-derived, multi-volume literature review of religion and health research; and numerous Templeton Foundation-funded programs concerning the intersection between science, religion, and medicine.<sup>26</sup>

And it is the NIHR's research that helped pave the way for *Christianity Today* to claim there were scientifically “credible reports” of faith healing in Mozambique.

### INTERCESSORY PRAYER AND THE STEPP STUDY

At a Templeton-sponsored conference in the mid-1990s, Margaret Poloma, a sociologist who studied Charismatic and Pentecostal religious movements, met bioethicist Stephen Post, who would go on to create the Institute for Research on Unlimited Love (IRUL).<sup>27</sup> Poloma and Post soon became Templeton grantees themselves, and by 2007 both had become co-directors (along with two other academics) of the Flame of Love (FOL) Project,<sup>28</sup> the goal of which was to establish “a new interdisciplinary field of study [called] Godly Love.”<sup>29</sup> The exact parameters of the science of Godly love are rather unclear; even Anthea Butler, who has been involved with the Templeton Foundation's Project on Global Pentecostalism,<sup>30</sup> told Schneider that initially “nobody in the field could figure out what the hell [Poloma] was talking about.”<sup>31</sup>

As defined by Poloma and her Templeton-sponsored colleagues, Godly love is “the dynamic interaction between divine and human love that enlivens and expands benevolence.” To put it simply, the key takeaway is that while neither God Himself nor His interactions with human beings are measurable phenomena, individuals' perceptions of interactions between human beings and God can be measured.<sup>32</sup>

The Flame of Love Project, which received an initial Templeton grant of more than \$2.3 million,<sup>33</sup> was a massive undertaking, funding ten academic books (by significant figures in their respective fields), scores of academic articles, conference presentations, and book chapters.<sup>34</sup> Among these projects was Brown's prayer research: the “Study of the Therapeutic Effects of Proximal Intercessory Prayer... on Auditory and Visual Impairments in Rural Mozambique,” known as the STEPP study for short. The study focused on Iris Ministries (now Iris Global), which Baker and her husband founded, along with the closely aligned Global Awakening ministry.<sup>35</sup>

Brown's STEPP project is a part of a long line of academic “prayer studies” con-

i. The Charismatic and Pentecostal movements are Christian theological traditions devoted to the belief in, and practice of, “gifts of the Spirit” in the modern Christian church, such as healing and speaking in tongues. Candy Gunther Brown, much referenced in this article, uses the lower-case term ‘pentecostal’ to refer to “both Pentecostals and second and third-wave Charismatics.” ‘Charismatic’ often refers to a kind of Pentecostallite, or alternately to the combined Charismatic and Pentecostal traditions (which is the sense in which I use the term here). As I have argued in *The Failure of Evangelical Mental Health Care* and in a forthcoming work on the New Apostolic Reformation, the idea that “classical” or traditional Pentecostals are more theologically and politically extreme than Second or Third Wave Charismatics collapses under any sustained historical scrutiny. (See John Weaver, *The Failure of Evangelical Mental Health Care*, [Jefferson, NC: McFarland, 2015], 15-16 and Candy Gunther Brown, “Introduction: Pentecostalism and the Globalization of Illness and Healing,” in *Global Pentecostal and Charismatic Healing*, [Oxford: Oxford University Press, 2011], 14.)

ducted in recent years, not all of which have found prayer to have positive effects. Many of these studies sought to evaluate “distant healing” or “distant intentionality”—the act of praying for others often referred to as “intercessory prayer.”<sup>36</sup> As of 2005, three studies had been conducted on remote intercessory prayer’s effect on heart patients. Two of these studies concluded that the prayed-for group fared better than a control group. However, the third found no difference. Another study—a relatively well regarded, Templeton-funded \$2.4 million project directed by Herbert Benson—studied 1,802 patients recovering from coronary artery bypass graft surgery and concluded that “distant prayer” had no effect. And, as Dr. Richard Sloan, a leading critic of prayer research, points out, researchers claiming benefits from prayer may have succeeded simply because they tested for so many different health benefits that simple random chance produced the positive results.<sup>37</sup>

If one were to accept the prayer studies’ premises and conclusions, one would still encounter other basic problems with conforming prayer-based research to the scientific method. How can researchers, for example, be sure that it is intercessory prayer performed by study participants that is helping, and not the prayers of concerned outsiders?

Candy Gunther Brown and her team sought to address some of these issues by looking at a more immediate form of prayer known as proximal intercessory prayer (PIP), which focuses on physical healing (primarily through laying-on of hands, per Charismatic tradition). Moreover, Brown argued that one must distinguish between PIP and other proximal healing techniques, such as “Therapeutic Touch,” since they had a “different healing mechanism.”<sup>38</sup> Her study looked at the effect of “direct-contact prayer,” involving touch and the laying-on of hands, on subjects’ vision and hearing.<sup>39</sup> Brown and her colleagues claim to have found “statistically significant” findings in visual and auditory improvements across the tested populations.<sup>40</sup>

Brown argued that the findings of the study were significant enough to warrant further study, which would “assess whether PIP may be a useful adjunct to standard medical care for certain patients

with auditory and/or visual impairments, especially in contexts where access to conventional treatments is limited.” She continued:

The implications are potentially vast given World Health Organization estimates that 278 million people, 80% of whom live in developing countries, have moderate to profound hearing loss in both ears, and 314 million people are visually impaired, 87% of whom live in developing countries, and only a tiny fraction of these populations currently receive any treatment.<sup>41</sup>

In other words, Brown was suggesting that work like Baker’s might serve as an effective treatment strategy in medically underserved developing nations.

Unfortunately for the study’s subjects, however, Brown’s claims were not all they appeared to be. Peter Norvig, former division chief of computational sciences at NASA’s Ames Research Center and current director of research at Google, declared that Brown’s study suffered from several fatal design problems: it lacked a randomized control group; there was no double-blinding in the study; and the sample size for the treatment group was only 24 people.<sup>42</sup> According to Norvig, “Rather than choose a cross-section of subjects, the experimenters specifically chose subjects from rural Mozambique who were attending an evangelical revival meeting—subjects who would be favorably inclined to (consciously or unconsciously) demonstrate a benefit from prayer.”<sup>43</sup> Brown’s research methodology was so flawed that Norvig called it “a perfect example of how not to do experiment design.”<sup>44</sup> Psychologist Jean Mercer, a leading authority on pseudoscience in the social sciences, further criticized Brown and her colleagues for introducing too many confounding variables into the study through their “amateurish methods of assessing hearing and vision.”<sup>45</sup>

Despite the ethical and methodologi-

cal problems associated with Brown’s study, it received plentiful funding from the Templeton-sponsored FOL project (\$150,000), as well as from the Lilly Endowment (\$50,000) and Indiana University Bloomington (\$50,000), Brown’s home university and a premier institution of higher learning.<sup>46</sup> Brown also used the STEPP study as the basis of her 2012 book *Testing Prayer*, which was published by Harvard University Press. Such scholarly trajectories are becoming increasingly common for Templeton academics in a wide variety of fields. It is startling to see how many Templeton-connected academics end up publishing their work through Oxford or Harvard University Press. A 2014 report enumerating IRUL-produced books (i.e., works published or edited by IRUL associates) includes seven titles published by Oxford University Press, and another three in press or under review by that prestigious publisher.<sup>47</sup> While not as many Templeton-associated academics seem to have linked themselves with Harvard University Press, some of those who have published through it have close links with the Foundation or are major figures in the Foundation’s history. For instance, Charles Taylor, whose *A Secular Age* was a major Harvard University Press publication in 2007, won the Templeton Prize for the same year.<sup>48</sup>

#### TEMPLETON AND THE NEW APOSTOLIC REFORMATION

Brown represents a particularly extreme example of distorted research engendered by Templeton money and legitimized by a major academic publisher. However, the methodological flaws in the STEPP study point to problems pervading the Flame of Love project as a whole—problems the Templeton Foundation should have recognized. The “Godly love” study that anchored the larger FOL project was based on the “Great Commandment to love God and love neighbor as self.”<sup>49</sup> The researchers proposed that Godly love—the interaction between humanity

and what is perceived as the divine—can be studied through figures known as exemplars: individuals who are supposed to be unusually benevolent within their own communities, and who have often received awards and honors (both secular and religious) for meritorious acts of service.<sup>50</sup> These individuals were held up as the best embodiment of the Great Commandment. This research relied on what is known in the social sciences as an inductive/phenomenological method, which sought to “better understand” the subjective experiences of exemplars.<sup>51</sup> While there is nothing inherently wrong about such a research process—anthropology, for instance, often relies on the phenomenological approach—it made the Flame of Love project unusually open to political propagandizing, since the subjective experiences studied depended almost entirely on which “Godly exemplars” were chosen to represent the idea of Godly love.

Many of the Godly exemplars profiled by Flame of Love are associated with the New Apostolic Reformation (NAR), a right-wing Charismatic and Pentecostal movement organized around parachurch groups known as apostolic networks. The NAR is committed to the principle of spiritual warfare against evil spirits that it believes threaten the well-being of Christians. One such exemplar is Che Ahn, who founded the evangelical organization The Call along with Lou Engle, the Charismatic evangelist associated with the 2009-2010 Ugandan “Kill the Gays” bill.<sup>52</sup> Poloma herself describes the two men’s close friendship in glowing terms.<sup>53</sup> Ahn (like Heidi Baker, another exemplar) is a member of the Revival Alliance, a powerful apostolic network that oversees six other major apostolic networks.<sup>54</sup> The leaders of five of these six subordinate ministries, along with several of their spouses, are among Flame

of Love’s highlighted Godly exemplars. The STEPP study, too, is marked by such connections: Alliance member Randy Clark, founder of the evangelical Global Awakening ministry, has worked closely with Stephen Mory, one of the study’s co-authors.<sup>55</sup> Moreover, Candy Gunther Brown herself has served on the board of directors of the Global Medical Research Institute, a prayer research organization that originated as a Global Awakening initiative, though independent of that ministry.<sup>56</sup> Subjects for the STEPP study were primarily recruited at meetings cosponsored by Global Awakening and Baker’s Iris Ministries.<sup>57</sup>



Heidi Baker pays a Christmas visit to Iris Ministries’ Zimpeto Children’s Center in Maputo, Mozambique. Photo from Wikimedia Commons and courtesy of user Wunder-

The Revival Alliance leaders’ work incorporates some shocking ideas about a variety of issues, particularly mental healthcare. Baker is known for “expelling” demons from children.<sup>58</sup> Another couple has helped promote the supernatural healing of autistic children<sup>59</sup> through a particular form of Charismatic exorcism, or deliverance, called Sozo.<sup>60</sup> As I wrote in my 2015 book *The Failure of Evangelical Mental Health Care*, Sozo’s healing practices seem little different from the long-discredited practice of recovered memory therapy. (Sozo leaders and proponents also maintain, in terms akin to the increasingly discredited diagnosis of mul-

tipl personality disorder, that individuals with bipolar disorder have “parts,” or people living inside of them who need to be integrated into a core personality.<sup>ii</sup>)

While the Flame of Love Project was ostensibly a scientific enterprise, in practice the project served primarily as a public relations project celebrating NAR leaders, as well as providing an academic justification for many of their beliefs and policy priorities, including their economic agenda. The Templeton Foundation has enjoyed a friendly association with a variety of right-wing groups and think tanks that share its support for open markets and entrepreneurship; the Heritage

Foundation, for instance, received more than \$1 million in Templeton funding between 2005 and 2008, while the Cato Institute received more than \$200,000.<sup>61</sup> Relatively speaking, grants to conservative think tanks represent only a minor portion of the Foundation’s philanthropy, but even prominent conservative political voices like *The National Review* have pointed to the Foundation as a funder of right-wing policy drivers.<sup>62</sup> Transformationalism, the NAR’s unique form of conservative economics, fits in well with the Templeton agenda;

it promises a solution to global poverty rooted in the belief that the marketplace is the best foundation for economic reform.<sup>63</sup>

Flame of Love co-director Margaret Poloma was herself so well regarded in the NAR movement that Charismatic leader John Arnott (yet another exemplar) entrusted her with the task of mediating a conflict between his ministry and John Wimber, a major evangelical leader who was critical of Arnott.<sup>64</sup> At the time when Poloma engaged in this mediation process, she was conducting academic research on the Toronto Blessing, a revival that Arnott was leading.<sup>65</sup> Most academ-

ii. It is quite clear from the Sozo material that the term “parts” is being used in a semantically identical fashion—albeit with a Christian twist—to the term “alters,” utilized among secular supporters of the increasingly controversial dissociative identity disorder (DID) diagnosis. Monica Pignotti and Bruce Thyer, writing in *Science and Pseudoscience in Clinical Psychology*, have expressed concerns that DID therapy and parts work have not been adequately tested and can in fact cause further illness. (See Monica Pignotti and Bruce A. Thyer, “New Age and Related Novel Unsupported Therapies in Mental Health Practice,” in *Science and Pseudoscience in Clinical Psychology*, eds. Scott O. Lilienfeld, Stephen Jay Lynn, and Jeffrey M. Lohr [New York: Guilford Press, 2014], 191-209.)

ics would seek to avoid conflicts of interest like this, but in the Flame of Love universe it is common for academics studying the intersection of religion and science to blur the lines between the academic study of revivalistic culture and participation in that culture.

In addition to all the methodological dilemmas in the STEPP study and Flame of Love's elaborate ties to the group they purport to study, there's a further conflict of interest in how the results of this research are ultimately presented. The Southern Medical Association, which publishes the *Southern Medical Journal*, in which Brown's paper first appeared, has twice received contributions—\$98,889 in 2006 and \$73,673 in 2007—from the John Templeton Foundation.<sup>66</sup>

### THE FUTURE

After Sir John Templeton's death in 2008, the heir to his legacy was Jack Templeton, an evangelical doctor with abundant conservative political connections who had been active in fighting same-sex marriage and defending the Iraq War. He and his wife Josephine contributed \$1 million to the fight to pass California's anti-same-sex marriage Proposition 8.<sup>67</sup> Jack Templeton was also the second-largest donor to the Red White and Blue Fund (RWB), a super-PAC that supported Rick Santorum's 2012 presidential primary campaign.<sup>68</sup> The younger Templeton passed away in May 2015,<sup>69</sup> but before his death, both critics and Templeton grantees worried that Jack would steer the Foundation further to the right, and perhaps further away from mainstream science.<sup>70</sup>

The Foundation did shift its focus during Jack Templeton's reign, but not as anticipated. Previous areas of specialization, such as "spiritual information" and "humility theology," were replaced with the paradigm of "Big Questions," in which philosophy and cosmology tended to receive more emphasis.<sup>71</sup> There remained a guiding interest in faith and medicine, but the projects approved under the younger Templeton often concentrated more on the intersection of faith and psychology than on prayer studies. While not always perfect, this work was certainly more scientifically rigorous than the Flame of Love Project. Now, with the death of Jack Templeton, it's unclear

what direction the Foundation will take.

Moreover, serious repercussions from the Foundation's earlier work remain. Though the scientific community has rallied in recent years to protest the dangers of creation science and intelligent design theory, this focus on conservative responses to hard science has led many to overlook the more pressing dangers posed by right-wing influences on healthcare and social science research. Pseudoscience supporting faith healing can lead directly to the injury or death of those treated, if placebos or harmful treatments are used in place of tested and effective medical care.<sup>72</sup>

While the influence of fundamentalism is diminishing, the Charismatic and Pentecostal movements continue to gain power among the Christian Right, with growth rates unrivaled in the Christian world.<sup>73</sup> When it comes to scientific debates, these movements are not focused primarily on evolution or cosmology, but on faith healing. It is likely that this issue area—and not the waning conflict over evolutionary biology or cosmology—will represent one of the most important scientific battlegrounds on which 21st Century conservative Protestants will make their stand.

Candy Gunther Brown herself has contended that "divine healing is the single most important category [of pentecostal religious practice]...for understanding the global expansion of pentecostal Christianity."<sup>74</sup> And Brown is correct to point out that it is precisely in "regions of the world where poverty and sickness seem most overwhelming"—mostly regions with a colonial legacy—that Pentecostalism has seen its most rapid growth.<sup>75</sup> As a result, this conflict may have far more immediate human costs than the creation science conflicts of the 20th Century.

Consider the large mental healthcare providers who, as I argue elsewhere, base their treatment on practices such as exorcism rather than research-tested mental healthcare interventions. In 2008, Australia was scandalized when Mercy Ministries Australia—a group of large treatment centers for young women, including many suffering from eating disorders—turned out to have based their treatment regimen on the exorcism manual *Restoring the Foundations*. A constant element of controversy in the ensuing

Mercy Ministries scandal was the correct means of delineating the differences between faith healing and healthcare; ministries like Mercy operated in a gray area where either definition could be deemed appropriate, depending on the context.<sup>76</sup>

But even in situations where the line between faith healing and medicine is clearer, the real and potential influence of the Brown study cannot be ignored. By 2007, writer and Iris Ministries supporter Donald Kantel (who studied under Heidi Baker) claimed that pastors associated with the ministry had raised over 50 people from the dead throughout Southern Africa in a five-year period. The ministry also purported to engage in miraculous healings and supernatural multiplications of food.<sup>77</sup> The popularization of "dead raising" teams—groups of people engaged in attempted resurrections—throughout the NAR could certainly not have been hurt by either the Brown study or the *Christianity Today* treatment that publicized its results. Nor can we ignore the influence of Global Awakening, whose revival events in Brazil, Mozambique, and India attract crowds of 100,000 people at a time; according to Brown, claims of divine healing often reach the thousands during such events.<sup>78</sup> Here Brown's influence is perhaps most marked, as her books are sold by Global Awakening's own bookstore—a very unusual honor for any academic, particularly a secular academic such as Brown.<sup>79</sup>

The danger here is not so much that the Templeton study will be utilized to form new healthcare systems based on Brown's model. Rather, the problem is that Brown's research, like much of the Flame of Love project, will be utilized as a justification for preexisting Pentecostal and Charismatic healing initiatives in the developing world: a new wrinkle in an old colonial tale. This may not be the future the Templeton Foundation has envisioned for their work; yet it's the future the Templeton Foundation has helped make possible.☹

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### Beyerstein, continued from page 3

and subsumes many different histories into a single, too-simplistic template. It also gives the false impression that the hate is "out there" and "extreme," when the problems are embedded in mainstream U.S. civic life and culture. It's never easy to distinguish between the messages of many "hate groups" and the actions of respectable civic and religious leaders as they set back or dismantle progress in civil rights and economic justice.

While nativist, white supremacist, and virulently anti-LGBT groups may be horribly blunt in their supremacist beliefs, the ideologies themselves are as old as the entirely "respectable" projects of settler colonialism, Native genocide, chattel slavery, the eugenics movement, and economic exploitation. Hate is important in our politics. But people don't want to own it. Even the people we think of as hatemongers, like neonazis, are often loath to say they hate people in so many words.

**MICHAEL BRONSKI:** They do and they don't. I was teaching Intro. to LGBT studies at Dartmouth. I wanted to do something about the Matthew Shepard case. All the students knew about it. They'd all seen "The Laramie Project," and they identified very strongly with Shepard. I think most of my students came pretty close to saying they hated Shepard's killers. People are sort of eager to own a certain form of hatred and express it in more careful terms. It feels good.

I tried to get my students to think outside of the hate frame. It wasn't just a case of simple homophobia where a relatable, young, cute, blonde gay man was murdered senselessly. I wanted them to see the larger issues, like gender behaviors, poverty, and even geography. Everybody sees themselves not as haters, but as being hated. But once they're hated, they quickly access the desire to hate back.

**KW:** Most neonazis will frame their essential message as love. In fact, almost everybody will frame their political message as love. But then you watch all the little side conversations and the message boards...

People—whether we're from the right or the left, or anywhere in the middle—will often identify our own virtue by who it is that we loathe and despise and who it is that we're against. That happens as much in progressive circles as in right-wing circles.

**So, on the left, we're defining ourselves by hating the prison industrial complex or brutal police officers?**

**KW:** The language of hate is an easy placeholder. Probably all of us use it. I use it too. But what I keep trying to do is to get very specific about the issues.

You can't just say that the reason the Ferguson police have such extraordinarily oppressive ways of policing is just because they hate Blacks. It's much more complicated. There is a root in

supremacist ideology, but it's quite possible to treat someone with great brutality, or contempt, as if they don't matter, because you're simply indifferent to their fate.

**Is brutal policing in Ferguson rooted in societal ideologies about the non-personhood of Black people, the notion that Black lives don't matter? As opposed to visceral hatred?**

**KW:** I think all of that is there. The callous disregard of Black lives in U.S. policies and practices since the inception of the country is so total that [non-Black] people don't even recognize where their indifference or contempt comes from. It's not necessarily boiling over as obvious racism, but it's still woven in. That's why it's so tempting in policy to go after the people who commit hate crimes, because we know who they are. The bigger problem is a Ferguson, a Cleveland, a Chicago, an Oakland.

**MB:** One of the hallmarks of people who do hateful things is how often they see themselves as being victims. Police in Ferguson probably see themselves as being put-upon. An extreme example would be the Klan, who see themselves as victims of black people getting too much. It's a mistake to leave that out of the equation. They see themselves as being victimized by the system, more so than their victims, often.

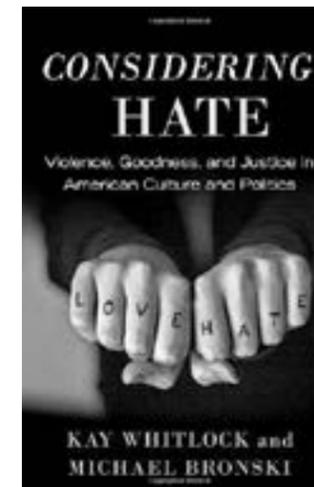
**KW:** The white, male, heterosexual power structure will almost always, in the face of protest, present itself as the victim of the group that's challenging it.

**Disability is a major theme of the book. You describe how, for centuries, disability has been cast as something that's hateable and therefore something that justifies coercion—like exiling disabled people from towns, or putting them in institutions. If disabled people are seen as monstrous or inherently criminal, it becomes easier to see their mistreatment as something society does for its own protection.**

**KW:** Disabled people are often imagined as monstrous, degenerate, or defective. Then these labels get used to characterize any group that's not in the central power hierarchy. So debates about disability start to include questions about American Indians, and Black people, and voting rights and citizenship; they start to include debates about women.

There's often a contradictory dynamic. It all works to manage a great deal of anxiety. People with disabilities are construed as criminals, as objects of fear and loathing, but also as objects to be felt sorry for and cared for in a patronizing kind of way.

**MB:** I got an email from a friend who's teaching a class on disability at Tufts. He said he's teaching a clip from Fredric March's 1931 Hollywood version of *Dr. Jekyll & Mr. Hyde*. When the very handsome March drinks the potion, turning him into Mr. Hyde, the transformation is really remarkable. He actually becomes black and gets misshapen teeth. The insane, murderous Mr. Hyde becomes stooped over and disfigured, and he becomes African-American-looking. It's very much part of this mythos that some people who are not in the mainstream—including African Americans—are dis-



abled and therefore evil. There's that easy leap. A Hollywood classic shows it to us quite viscerally in about 90 seconds.

**In the book you talk about how disfavored groups get inter-defined, for example: disabled people are defined as inferior, and then femaleness and Blackness get construed as physical defects relative to the white male ideal.**

**KW:** We decided to use the lens of disability, but we could have picked race or gender, or queerness, and gone in as deeply. Gender, gender conformity, class, race: they all collide in these stories. One of the reasons we try to tell the story emphasizing the overlap of different oppressions is to demonstrate the pitfall that happens for progressive people when we fight in disconnected, parallel, single-issue ways.

**Is your argument that the “hate” component of hate crime is rooted in the same impulse that makes communities hire oppressive police forces?**

**MB:** That may be true in some simplistic ways, but we would all do better by really looking at every interest and trying to understand each instance in itself to see how it fits in a larger structural pattern. It's important not to lump people together just because the behaviors look somewhat similar.

**KW:** It's very easy to arouse justified outrage for specific, dramatic, sensational acts of violence that are intended to dehumanize someone from a marginalized group. [Like when attackers set out] to get a transgender woman, or “teach a Latino immigrant a lesson.” Those things are horrific, and we need to respond. We fixate on spree killings and assassinations because they're so visibly terrifying. As we say in the book, fear has a kind of payoff: it makes us feel alive.

But regardless of who's in power, we also have these structural forms of violence that continue year after year in the most respectable civic and private arenas. The violence is steadfast, consistent, and it's absolutely massive. I'm talking about the violence of prisons, detention centers, psychiatric hospitals, and public schools with school officers who are armed to the teeth and who have absolute discretionary power to send kids into the criminal/legal system for minor infractions. We have lots of violence against people with disabilities who are penned up in institutions where someone has absolute power over them.

I did my first work challenging the hate frame in 2001 for the American Friends Service Committee. Everywhere I went to speak [about the limits of hate crime legislation], good people who cared passionately about social justice would get furious if you talked about the structural violence of prison. It seemed impossible for people to accept that the legal system wasn't the appropriate place to lodge our concerns. Just the thought of them having to engage with the massive violence of a system that dealt with hardened criminals....

**So, they wanted to address the violence against “innocent” people but didn't feel comfortable condemning violence against “bad” people?**

**KW:** Right. This is not to put people down. This is part of my

life's work, working at this intersection of places where people don't even recognize it as violence.

**What violent things do people fail to recognize as violent?**

**KW:** There's the school-to-prison pipeline. A lot of white people have no idea how pervasive that is, or what the heavy presence of school resource officers can be like. Basically, what goes on in prisons and jails is not recognized as violence. Solitary confinement is not seen as violence or torture, though it is.

**MB:** When it comes to violence people don't recognize as violence, at Dartmouth there's a very strong Greek system. The embedded violence of hazing is completely and totally accepted. It's everything from physical assaults to sexual humiliation. Eating certain foods to make them throw up. Forcing diuretics on them to make them sit in the bathroom for hours on end. Hazing is constructing masculinity by humiliating people to the point of being physically ill. On many college campuses this is regarded as completely acceptable or even good behavior, until somebody dies.

**Like when Abu Ghraib became public and all those pundits were saying it was no big deal because they do this stuff in fraternity hazing?**

**MB:** Precisely.

**KW:** We talk in the book about how cultural strategies are really needed in order for us to take a look at some of these realities in disruptively intelligent ways. [Ed: *Whitlock is talking about innovative protest tactics, like ACT-UP air-dropping condoms into a prison because the prison wouldn't distribute condoms to prevent the spread of HIV, and the eye-catching actions of the Chicago Light Brigade, which mobilizes flash mobs bearing glowing LED panels that spell out progressive slogans.*<sup>2]</sup>

Until we work towards deeper shifts in consciousness, we're always going to be tinkering with the machinery, and finding new ways to let old systemic problems persist. If we think culturally about telling the story in fresh and unexpected ways, then we may have some fresh and welcome insights.

**You write about the importance of refocusing on goodness. What are some of the ways that we can refocus on goodness instead of defining ourselves in terms of who we hate?**

**MB:** Everybody wants to see themselves as a good person. It's a really invigorating question. Rather than redefining it, what I've learned in talking about the book and to students, is actually getting people to think of what it would mean to be good. What it would mean to step out of descriptions of ourselves as business of usual? What it would mean to do something that is counter to the usual? ☺

Considering Hate: Violence, Goodness, and Justice in American Culture and Politics was published by Beacon Press in 2015. This discussion has been edited for clarity, length, and flow.

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## The Art of Activism

*Spotlighting the efforts of artists and organizations who are engaged in the struggle for social justice and are helping build the movement through their work.*

Asad Badat, the artist behind the cover of this issue, says he's always seen himself as "a passionate observer who has romantic eyes for beauty." Recently, though, he's departed from this observatory position, opting instead to use his art as a site of and mechanism for dialogue. Badat humbly identifies himself as a novice in the world of art and activism. He's new to this confluence, and still learning. Nonetheless, his increasingly keen awareness of the complex connections among communities across the globe compels him to act as a citizen of the world—"to join the conversation and actively become part of the solution."

Untitled Flag #2, which belongs to his 2014 *Flags of Our Faiths* series, is exemplary of his transition to making "conceptual art with a message." In addition to a prominent portrait of Mary, Badat's reimagined U.S. flag features patterns inspired by the Islamic headscarf known as the *keffiyeh*. The digital collage is comprised of scanned fabrics and imagery Badat found at a church, but just as integral to the fabric of the piece is the thorough research he undertook before creating it. In crafting this series, Badat sought to combat Islamophobia by "eradicating [the] irrational fear" that it represents, as well as underscoring the fundamental similarities between Islam and Christianity, both of which are Abrahamic faith traditions. This approach necessitated deep inquiry into both religions—an alchemic process he describes as "taking knowledge and information and turning it into art." He adds, "It's not just re-



*Untitled Flag #2, Digital Collage, 2014. From the Flags of Our Faiths series, by Asad Badat. [www.asadbadat.com](http://www.asadbadat.com)*

active, but it requires me to educate myself and take in new ideas in order to create something new." And, because the subjects of his research were so vast, he notes that *Flags of Our Faiths* still feels unfinished—indeed, never-ending.

Nonetheless, the project has borne fruit. Badat articulates one of his goals as an artist-activist as entering into direct dialogue with people who occupy the realms in which he locates his subject matter, in addition to creating conversation with his viewers. The *Flags of Our Faiths* project afforded an opportunity for Badat to engage Christian peers in discussion about their beliefs, and he says that learning experience was the best part of the work. In the future, he hopes to continue such conversations with faith leaders. He also hopes that the art itself will stand in conversation with his audience. For instance, Badat acknowledges that the American flag imagery will resonate differently with each viewer, which is good—he wants each person to bring their unique associations and interpretations to the piece. As he writes on his website, "This is the spark in interaction between the work and viewer."

Badat speaks of such sparks with reverence: "If art can get you to change your mind about something or inspire you to have some sort of change in yourself or effect some sort of change in your community, that's powerful." These sparks can become the conflagrations of movements.

—Aviva Galpert

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