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Secularism and Secular People

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Secularism and *secular* can mean many things. For activists and policy makers, this polysemy can be confusing, but it can also be productive (Blankholm 2014). For scholars, confusion is rarely a good thing, and the secular's ambiguity has spurred a range of disparate conversations. This article aims to bridge the gap that separates two wings of secular studies by examining recent American lawsuits in which secular people have asked the courts to understand them in three different ways: as religious, as not religious, and as something in between. Taken together, these lawsuits demonstrate how American secularism figures and restrains secular Americans. They also provide useful case studies for thinking beyond the division between secular and religious and recognizing how a more capacious understanding of religion can help explain the religious diversity that one finds within the secular in the United States.

Much of the recent scholarship on secularism has focused on the ways in which it structures religion by prohibiting it from certain spaces and privileging particular ways of being religious (Mahmood 2015; Scherer 2013; Cady and Hurd 2010). First elaborated by Jakobsen and Pellegrini (2000) and Asad (2003), secularism in this sense is the process by which religion becomes distinct and receives special treatment *qua* religion. It thus exceeds a narrow conception of political secularism or the effort to separate church from state. This hegemonic religion-making secularism (Dressler and Mandair 2011) can suppress religious groups that pose a threat to American interests (Hurd 2015), render the roots of racial justice activism private and obscure (Kahn and Lloyd 2016), or encourage secular feminists to try to liberate religious women in the global south (Cady and Fessenden 2013). If *secularism* has become a name for the management of religion, then its influence is broad and varied (Engelke 2015; Keane 2013; Hirshkind 2011).

Scholars working with the concept of religion-making secularism comprise one wing of an emerging field: secular studies. Those comprising another wing focus on secular people, and they adopt a different, though related conception of secularism (Zuckerman, Galen, and Pasquale 2016; Cimino and Smith 2014). While for some of these scholars, secular people can also include those who identify as spiritual or avoid organized religion (Baker and Smith 2015), more often *secular* invokes something close to what George Jacob Holyoake intended to capture when he coined the term *secularists* in 1851: rational empiricism and a this-worldly focus (Holyoake 1896). *Secularism* in this sense is a label for individual beliefs that typically include rationalism, empiricism, naturalism, and the view that science is the best way of knowing the world. Secular people will sometimes affirm a materialist ontology, though agnostics, for instance, stop short of ontological certainty. Many identify as *freethinkers*, *humanists*, or *atheists*, but they might also call themselves *secularists* or *nonbelievers*. Others eschew labels altogether in an effort to express their indifference to religion (Quack and Schuh 2017).

Despite the numerous publications that deploy them, these two understandings of secularism hardly exhaust the secular's polysemy. Genealogical investigation of the secular has shown how secular people's belief-centered approach to (non)religious identity is in part a product of a distinctly Protestant and American form of secularism (Modern 2011; McCrary and

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Wheatley 2016), though its deeper origins lie in colonialist and broader Christian conceptions of religion (Asad 1993; Fitzgerald 2007; Nongbri 2013). The philosopher Charles Taylor has also observed how *secular* can mean many things (2009), and in *A Secular Age* (2007) he bridges the gap between the genealogy of the secular and those who hold materialist or naturalist beliefs. Echoing other Catholic scholars of nonbelief (see also Turner 1985 and Buckley 1987), Taylor argues that naturalist *immanentism*—another term for the beliefs of secular people—arose from within Christianity and has become the dominant frame in the contemporary, secular age. Few of those studying secular people have built on Taylor’s work, in part because they rarely engage with critical theory and in part because he argues that people with materialist or immanentist beliefs are driven by a longing for transcendence, thus foreclosing their self-understanding and ignoring the role that ancient Epicurean thought played in the development of naturalist immanentism (see Wilson 2008 and Kors 2016).

The online academic forum that has hosted many of the most important debates around the secular is named for one of *A Secular Age*’s chapters, “The Immanent Frame,” though most of its contributors have built on the insights of Asad and Mahmood (2006) instead of taking up Taylor’s critical focus on immanentism. Mahmood articulated her dissent from Taylor in a chapter she contributed to *Varieties of Secularism in a Secular Age* (2010), which along with Peter Gordon’s critical response (2008) sheds some light on why Taylor’s thesis made a relatively small impact on the robust conversation catalyzed by his lengthy tome. Unlike Taylor, Mahmood and Gordon find a great deal of heterogeneity within Christianity and little evidence for Taylor’s premise of a moment in the history of Roman Christian Europe in which people believed without question in a transcendent God. In addition to those focusing on the genealogy of the secular, some of the best work on secularism has reframed the secularization narrative and encouraged an international, comparative perspective on political secularism, or the separation of church and state (Cady and Hurd 2010; Calhoun, Juergensmeyer, and VanAntwerpen 2011). Empirically driven and aided by the work of Asad and Mahmood, this wing of secular studies has succeeded in provincializing the secularism of Europe and the United States.

In this article, I bridge the gap between secularism as religion-making and the secularism of secular people by building on Asad’s genealogical inquiry and sustaining an empirical focus on nonbelievers that explores the complexity of their self-understanding without foreclosing it. Though the article centers on the United States, I hope it can contribute to international and comparative projects in secular studies by spurring similar inquiries into the relationship between secularism and secular people in other contexts with their own unique configurations of secular and religious. These recent lawsuits filed by nonbeliever organizations provide three examples of American courts attempting to answer whether atheists and other kinds of nonbelievers are in fact religious. Each suit asks the courts to understand nonbelievers in a different way: one group wants to avoid being called religious, another wants to be protected as a religious minority, and a third wants to be analogized to religion without the courts actually calling it religious. By contextualizing these lawsuits in the history of the groups that filed them, this article shows how different ways of being secular have arisen and how secular people organize to navigate America’s religion-making secularism. In the essay’s conclusion, I offer a framework for understanding secular people as part of an evolving and more capacious American religious landscape, and I argue against those who call for the recuperation of non-secular religion or theology as a response to the imperial violence of religion-making secularism.

FINDING AND NAMING SECULAR PEOPLE

In addition to the briefs, opinions, and statutes cited below, this essay relies on three years of ethnographic research I conducted from June 2010 through November 2013 among the leaders and activists who run America's major nonbeliever organizations. To capture the diffuseness of their network, I adopted a multi-sited approach (Marcus 1995) and was a participant observer at dozens of lectures, conferences, private meetings, workshops, and social gatherings of local, regional, and national nonbeliever organizations throughout the United States. To visit their headquarters and conferences, I traveled to California, Louisiana, Ohio, Massachusetts, Minnesota, New Jersey, New York, Washington D.C., and Wisconsin. Needing to identify relevant groups and study their ongoing activities, I analyzed hundreds of emails, blog posts, Facebook posts, and postings to online forums, as well as dozens of newsletters, magazines, and postings to a Google discussion group.

From April 2012 through January 2013, I conducted sixty-five in-depth interviews with the leaders, former leaders, and members of these groups. Most of the informants whom I interviewed I reached by chain referral, either through formal introduction or through recommendation and the use of publicly available contact information. Interviews were semi-structured and covered a wide range of topics, including organizational and personal histories, inter-organizational cooperation, and the constellation of labels used by nonbelievers. Though all three of the lawsuits I focus on in this essay were ongoing during my field research, they have since reached final resolution.

By *nonbeliever* I mean an ellipsis: a person who lacks belief in God, gods, or the supernatural. As others have demonstrated and as discussed above, nonbelievers often share beliefs, which can include a materialist ontology, a rational empiricist epistemology, and a strong trust in science (Hart 2013; Weir 2014; Baker and Smith 2015). Organized nonbelievers are those who organize into communities based on these shared beliefs (or the ostensible lack of belief). As of 2012, there were around 1,400 local nonbeliever groups in the United States and well over a dozen national organizations (García and Blankholm 2016). No one term describes all of those who comprise America's network of secular activists, and most identify with several labels. *Nonbelievers* is an efficacious umbrella category and necessarily an imperfect one.

The labels that nonbelievers use to describe themselves can divide or unify depending on who uses them, how, and when. Disagreements about these labels and how they fit within a constellation of other terms spur the proliferation of still more labels, and along with them, new organizations. This essay demonstrates, in part, how debates over these labels often hinge on how one draws the boundary between secular and religious, or in other words, how one engages in the work of secularism. As will become clear, some of America's organized nonbelievers call themselves *religious*, while others want nothing to do with religion and try to remove it from all aspects of their lives. Different ways of constructing the secular/religious boundary are different secularisms that produce different ways of being secular.

How this boundary gets drawn can have real consequences in a court of law, and courts have long played a role in authorizing and proliferating particular ways of separating the secular from the religious (Hurd 2015). These lawsuits offer rich case studies for understanding how reciprocal relationships among organized nonbelievers and local, state, and federal laws have made a modest impact on American secularism and a significant impact on secular people. Conflicts among secularist groups and contradictions within and across legal jurisdictions reflect path-dependent assumptions about who counts as religious and what special rights the religious have.

In the first lawsuit discussed below, secular people want religion to be treated no

differently from the secular, so they want the courts to revoke special rights and privileges afforded to religious people. In the second suit, secular people want religion to remain special before the law, and they want to be included among the religious and receive the same special benefits and protections. In the third, they want to be given rights analogous to the religious without challenging the underlying assumption that religion is distinct from the secular and without calling themselves *religious*. This complexity in American secularism extends beyond the legal regime and fosters different ways of being a secular person, which in turn shape the lives of more than just organized nonbelievers. These ways of being secular are part of an array of available options, and they preserve a rich tradition for those seeking language and concepts to elaborate a secular identity in the United States. They also reflect how secular people have resisted or adjusted to American secularism and its distinctly Protestant inflection (Fessenden 2007; Modern 2016).

THREE WAYS OF BEING SECULAR

1. Secular, but Not Religious: The Freedom From Religion Foundation

The Freedom from Religion Foundation is the most litigious nonbeliever organization in the United States, and it has a strong aversion to anything that appears religious. The group maintains around ten active lawsuits at a time, and as of mid-2016, its staff includes more than half a dozen attorneys. Though FFRF recently expanded Freethought Hall—its headquarters in Madison, Wisconsin—space was still tight when I visited in late 2012. Despite their rapid growth since 2007, the group struggles to keep up with the thousands of requests for assistance that they receive each year. As I waited for Janine, one of the group’s leaders, to sign a series of legal documents, she apologized and modestly assured me, “Normally we’re not this busy.”

During the breaks in our conversation, my attention turned to a side-room near the front of the building in which a young woman was talking on the phone. Her tone was calm and direct, though she was clearly in the middle of an argument with someone calling to complain. When I transcribed the interview, I found that I had picked up snippets of the young woman’s voice during moments of silence: “Our country is representative. It’s not a tyranny of the majority. It’s a democracy.” A short time later, she offered to mail the caller some information about religious tax exemptions. A conversation at the reception desk obscured her voice for the next minute and a half, but then I could hear her ask in that same calm tone, “And what do they do, go and molest little boys? Well what do you think about that?” Sitting against the wall I saw a box of “Happy Heretic” t-shirts. On the table there were a few buttons bearing the words “Friendly Neighborhood Atheist.” I recalled a billboard the group had recently purchased: “The world, without religion, is beautiful.” Everyone I met at FFRF was kind and polite, but the group’s message is clear: we don’t like religion.

Divisive Secularism and the Making of Religion

Anne Nicol and Annie Laurie Gaylor founded FFRF in 1976 because they objected to Christian prayers being recited during the meetings of the Madison City Council and the Dane County Board. In a bid to make their protest more official, the Gaylors started a group and coined the name “Freedom From Religion Foundation.” Both the City Council and the County Board ceased reciting prayers soon after the Gaylors objected, and the victory brought FFRF instant attention. Two years later, in 1978, they registered the group as a nonprofit and began their efforts to become a national organization with members in every state. Today, the group’s espoused mission captures two kinds of secularism: to defend the separation of church and state

and to promote nontheism. When I implied during an interview that the group is mostly known for the legal half of its mission, one leader was quick to correct me and emphasized that both halves are in the group's bylaws and receive equal attention. FFRF unifies religion-making secularism and a secular identity into a single aim and captures the ambiguity well in another of its billboard slogans: "We are united, and growing, in Secularism."

Freedom From Religion Foundation v. Lew

FFRF wants nothing to do with religion, and this aversion determines the group's legal strategy. *Freedom From Religion Foundation, Inc. v. Lew* (2014) is a recent lawsuit that demonstrates how important it is for the group to maintain its secular purity. It also shows how difficult it can be for nonbelievers to remain secular under the regime of American secularism. First filed as *Freedom From Religion Foundation v. Geithner* in September 2011, *Lew* challenged a law that gives a federal income tax exemption to ministers who receive a housing allowance as part of their pay. The original statute from 1921 created a tax break for employees who need to live in employer-owned housing—regardless of whether the employer is secular or religious. In 1954, the exemption was expanded to create a tax break for any minister, even those who do not live on property owned by a religious nonprofit. This new law applied only to clergy and made it so "ministers of the gospel" do not need to pay taxes on their housing costs (McCants 2010).

In its lawsuit, FFRF argued that it should be able to receive the same tax benefits that a religious nonprofit receives because it gives its co-directors, Annie Laurie Gaylor and Dan Barker, a housing allowance. The central assumption of the group's challenge is that religious and secular nonprofits should be treated the same. Religion should be no different from the secular in the eyes of the law. To borrow the language of its complaint, "Section 107 of the Revenue Code provides preferential benefits to 'ministers of the gospel,'" which are "not neutrally available to other taxpayers" (2011). According to the Federal government, the estimated total value of housing allowances for ministers in 2014 alone is roughly \$700 million (2014). Declaring the allowance unconstitutional has high stakes for ministers, churches, and the Federal Government.

Though FFRF is in its very name free from religion, the group struggled to prove it was not religious. In June 2013, federal attorneys filed a brief in which they argued that Gaylor and Barker, the group's co-directors, could be considered "ministers of the gospel" and thus eligible for the allowance from which they claimed to be excluded:

Because atheism has been considered a religion, it is possible that an atheist might qualify for status as a "minister" under § 107(2). Ms. Gaylor and Mr. Barker, by their own descriptions, provide an example of atheists who engage in the profusion of certain beliefs which occupy a "place parallel to that filled by . . . God in traditionally religious persons," and controlling an organization that has "taken a position on divinity." (2011)

Federal attorneys observed that "there is no basis to conclude that an organization formed around nontheistic beliefs could not qualify as a religious organization," and they quoted from a deposition in which Barker, a former Christian minister states, "[I do] much of what I used to do as a minister, but now for a totally different message, for a nonminister of the gospel type of message" (2011). They wanted to show that FFRF lacked standing as an injured party in its suit because the group never actually applied for the tax break and thus the IRS never rejected it. To apply for the allowance, FFRF would need to claim it is a religious group and ask the IRS to

assess the validity of its religiosity. FFRF cannot do this because of its core ideal: freedom from religion. Federal attorneys attempted to create a catch-22.

Judge Barbara Crabb, the judge in the case, ruled that FFRF did not have to file for the allowance and be rejected in order to establish standing. In her ruling, she stated that federal attorneys' arguments that Gaylor and Barker could qualify as "ministers of the gospel" were "difficult to take... seriously." The tax break did not serve an "overarching secular purpose," so it unfairly privileged religious organizations and their ministers (*FFRF v. Geithner* 2011). Her decision was overturned on appeal, however, in November 2014. A 3-judge panel of the 7th US Circuit Court of Appeals agreed with federal attorneys and ruled that FFRF did not have standing because it did not apply for the tax exemption. If the group had wanted to pursue its lawsuit further, it would have needed to apply for the exemption and challenge the IRS to decide that it is secular, but not religious. This is not a risk that FFRF is willing to take.

In late 2012, when visiting the group's offices in Madison, Wisconsin, I spoke with an attorney named Phillip about some recent lawsuits I had been following. When I asked him why certain nonbeliever groups want the courts to consider them religious and others adamantly avoid it, he offered a keen insight:

The law will assume that nonbelievers are a religion for certain inquiries and not for others, and it's completely unresolved which go for which. There's no rhyme or reason to it yet. It obviously puts us in a strange position because you have more power arguing before a court that you're a religion in some respects, whereas really we're not. That's one of our main things. We are not a religion! It's a doctrine of our faith.

Phillip is describing the challenge that FFRF faces when it asserts that it is secular in the legal regime of American religion-making secularism. His sarcasm at the end captures the paradox that arises when the group becomes mapped onto a secular/religious boundary that differs from its own. Because American courts and the IRS tend to recognize certain kinds of voluntary associations as religious, and because there are clear benefits in pursuing religious exemptions from taxation, FFRF struggles to be secular, but not religious. FFRF is fighting an uphill battle to make the state indifferent to the difference between religious and secular. In doing so, it risks compromising its secular purity.

2. Secular and Religious: The American Humanist Association

There is no coordinated legal strategy across nonbeliever organizations in the United States, though attorneys will often write *amicus curiae* briefs in support of one another's lawsuits and exchange ideas in the process. Because most organizations rely on attorneys provided by the American Civil Liberties Union or independent attorneys willing to challenge specific local laws, a coherent national legal strategy would be logistically difficult to achieve. An on-staff lawyer at one of the largest organizations explained to me that inter-organizational communication about lawsuits is rare: "We don't have any sort of formal collaboration. It would be great if once a month we had a conference call to talk about our strategy. I'm sure there are folks on the Right who think there's some secret cabal of lawyers, but there isn't. It's not that organized!" Nonbeliever organizations do not have to agree with FFRF's legal strategy, and though I heard many complaints from lawyers who consider FFRF too aggressive and too willing to set bad precedent, organizations do not sanction one another. If a group would rather, it can agree with the federal attorneys in *Lew* who argued that FFRF could become a religious nonprofit. In the next lawsuit a major nonbeliever organization does just that. It wants the courts to recognize it as

both secular and religious. Though the group succeeds in convincing the court of its secular religiosity, like FFRF, it ultimately fails to prove injury and thus fails to establish legal standing.

Doe v. Acton-Boxborough Regional School District

Founded in 1941, the American Humanist Association (AHA) grew out of the religious humanist movement that developed within the Unitarian Church in the first two decades of the twentieth century (Olds 1996). Alongside the Ethical Culture movement and Societies for Humanistic Judaism, AHA became a home for many of America's self-avowed humanists in the decades following WWII. In late 2010, AHA and several Jane and John Doe plaintiffs filed a lawsuit challenging the statute that requires daily recitation of the Pledge of Allegiance in Massachusetts public schools (*Doe v. Acton-Boxborough* 2014). The suit alleged that requiring teachers to lead students in daily recitation discriminates against the three plaintiffs who are children attending public schools in Massachusetts and who identify as religious, nontheistic humanists. The lawsuit specifically targeted the "under God" language added to the pledge in 1954.

A lawsuit won by Jehovah's Witnesses in 1943 (*West Virginia v. Barnette*) made recitation of the pledge voluntary; students can omit the words "under God" or refuse to recite the pledge altogether. Nonetheless, the plaintiffs argued that daily recitation "marginalizes [their] children and [their] family and reinforces [a] general public prejudice against atheists and Humanists, as it necessarily classifies [them] as outsiders, defines [them] as second-class citizens, and even suggests that [they are] unpatriotic" (*Doe v. Acton-Boxborough* 2014). The plaintiffs' brief cited a study conducted by sociologists at the University of Minnesota that found that atheists are the least trusted group in the United States (Edgell, Gerteis, and Hartmann 2006). They also argued "that '[i]t is inappropriate for [their] children to have to draw attention to themselves by not participating, possibly leading to unwanted attention, criticism and potential bullying' and that at their children's ages, 'fitting in' is an important psychological need" (*Doe v. Acton-Boxborough* 2014). The injuries claimed by the plaintiffs were general and hypothetical more than direct and manifestly experienced—a distinction on which the case's outcome eventually rested.

Unlike FFRF, AHA adopted a legal strategy in which it defined itself as a nontheistic religious organization that avers a creed. Attorneys in the case sought to take advantage of the Equal Rights Amendment (ERA) to the Massachusetts Constitution, which states in part, "Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin." In this case, AHA wanted the courts to recognize its members as part of a religious minority, which is, historically, a classification recognized by the ERA as likely to be subject to discrimination. Receiving this recognition would require the government to prove that it has a compelling interest in requiring teachers to lead daily recitation of a version of the pledge that includes "under God," assuming, *arguendo*, that this language discriminates against religious minorities that do not affirm God's existence.

In its brief, AHA used fascinating arguments to establish itself as a religion, and they are worth quoting at length:

[The plaintiffs] hold and affirm religious views that are Humanist. [...] Whereas atheism is a religious view that essentially addresses only the specific issue of the existence of a deity, Humanism is a broader religious view that includes an affirmative naturalistic outlook; an acceptance of reason, rational analysis, logic, and empiricism as the primary means of attaining truth; an affirmative recognition of ethical duties; and a strong

commitment to human rights. Humanism, while not aggressively evangelical, encourages a willingness in its adherents to be open about one's Humanism, including the non-theistic aspect of it. (Plaintiff's Brief, *Doe v. Acton-Boxborough* 2012)

This definition accepts atheism as a “religious view,” and it crafts a capacious understanding of capital-H *Humanism*, which includes the “religious” label, as well as a “naturalistic outlook,” “reason,” “logic,” and “empiricism.”

AHA lost in trial court, though not because the judge doubted the group's religiosity. Judge S. Jane Haggerty ruled that AHA is *religious*, and the pledge is *secular*, citing *Elk Grove Unified School District v. Newdow* (2002) to argue that the pledge “‘is not a prayer and its recitation is not a religious exercise’ but rather ‘a patriotic exercise.’” The addition of the “under God” phrase “does not convert its recitation from a patriotic exercise into a ‘formal religious exercise,’” and by extension, the pledge is secular regardless of that phrase's inclusion (*Doe v. Acton-Boxborough* 2012). Though Judge Haggerty accepts that AHA's humanist members comprise a religious minority, a patriotic exercise like the pledge is *secular* in the sense of *neutral* and thus not discriminatory.

AHA successfully appealed the lawsuit to the Supreme Judicial Court (SJC) of Massachusetts, which also decided against the group, though giving different reasons. The SJC ruled that AHA failed to demonstrate any actual injury caused by the pledge and emphasized that its recitation is voluntary. In her concurring opinion, Judge Barbara A. Lenk disagreed that the pledge is *secular-neutral*, and she argued that it creates a secular minority by making religion special: it “distinguishes between those who believe such a being exists and those whose beliefs are otherwise. This distinction creates a classification, one that is based on religion.” The final sentence of her decision encouraged others to adopt AHA's strategy: “Should future plaintiffs demonstrate that the distinction created by the pledge as currently written has engendered bullying or differential treatment, I would leave open the possibility that the equal rights amendment might provide a remedy” (*Doe v. Acton-Boxborough* 2014). Though AHA lost its suit, the Supreme Judicial Court of Massachusetts believes that the group deserves to be protected as a religious minority.

A Secular Religious Minority

AHA's lawsuit is interesting for a number of reasons when considered in the wider context of the organization's history and its position in the secular activist movement in the United States. AHA was founded in 1941 as a secular nonprofit, but in 1968, it changed its tax status to a religious 501(c)3 in order to be able to ordain clergy who could solemnize weddings throughout the United States (“Having It Both Ways” 2002). In the early 2000s, under new and younger leadership, AHA began to describe itself and its members differently, moving away from the *religious* label and embracing the language of atheism. Leaders at AHA told me that they relied on membership surveys and anecdotal evidence to reach the conclusion that describing their humanism as *religious* made less and less sense for their members and their strategic vision. According to an AHA leader named Michael, around two or three percent of the group's membership identifies as religious humanist, which is roughly the same proportion that identifies as Republican. In 2007, as part of its shift toward atheism, AHA changed its tax status back to a secular nonprofit: an educational organization (Speckhardt 2014). The change brought symbolic benefits and helped the group participate in the rise of atheism as an identity-based social movement (Kettel 2014). But because religious 501(c)3 nonprofits do not need to file

Form 990, a financial disclosure form, it also forced the group to spend thousands of additional dollars on accounting.

AHA and many other groups have also begun to encourage nonbelievers to “come out” and openly embrace atheist, humanist, and other nontheistic identities. For instance, every major nonbeliever organization in the United States joined the Openly Secular Coalition within a few months of its founding in May 2014 (Winston 2014). Secular activists have self-consciously modeled their “out of the closet” strategy on the gay rights movement, and lawyers for the major nonbeliever organizations have looked to gay rights activists for new legal strategies. The lawyer who filed and argued AHA’s case in *Doe v. Acton-Boxborough* is David Niose, the organization’s former president and the current president of the Secular Coalition for America, a lobbying group in which AHA participates (see Blankholm 2014).

Goodridge v. Department of Health (2003) inspired Niose to use the Massachusetts Equal Rights Amendment. The landmark decision relied on the ERA to make Massachusetts the first state to legalize gay marriage. Niose outlines his strategy and the debt it owes to the gay rights movement in his 2012 book, *Nonbeliever Nation: The Rise of Secular Americans*. The thrust of the book is that nonbelievers should “come out” as “secular” in order to combat the Religious Right, and it refers to nonbelievers *en masse* as capital-S *Seculars*. For Niose, Seculars are a minority facing discrimination, and they need to consciously embrace contemporary identitarian politics and make their *Secular* identity primary. Accepting themselves as a religious minority provides *Seculars* with a political and legal framework that enables them to receive protection from the law and recognition alongside other religious minorities.

AHA’s legal strategy in *Doe v. Acton-Boxborough* confronts the specialness of religion without attacking it head on. Unlike FFRF, which aims to revise legal secularism so that it recognizes no distinction between secular and religious, AHA undermines the law’s ability to distinguish between secular and religious by making itself *both* and by demanding that the law’s working definition of religion be capacious enough to contain it—a strategy adopted in recent years by other secularist groups like the Church of the Flying Spaghetti Monster and the Satanic Temple. Because AHA’s institutional history affords it the ability to imagine itself as a secular/religious hybrid without compromising its core founding values, AHA’s way of being secular is different from that of FFRF, which needs to be secular, but not religious. FFRF and AHA have inherited and continue to carry forward their own particular ways of being secular, but both are also shaped by an evolving American legal landscape. They are active reminders of the imbrication of two distinct secular formations: secular people and American secularism (Asad 2003).

3. Like Religion, but Secular: The Center for Inquiry

Most humanists whom I met and interviewed do not consider themselves religious, and many explicitly described themselves as *secular* humanists. Those who understand the secular to exclude religion sometimes go to great lengths to avoid any association with religion. For instance, when I attended a secular humanist conference at the headquarters of the Center for Inquiry (CFI), just outside of Buffalo, New York, I learned the importance of purifying one’s speech of religious idioms. While listening to a roundtable of student leaders, a man seated a few feet to my left sneezed, and out of habit, I muttered, “Bless you.” Giving me a sideways glance, he laughed at me and shook his head. I realized I had just outed myself as insufficiently secular.

For many of the organized nonbelievers I met who identify as secular humanists, this kind of careful boundary work is crucial. Unlike most members of FFRF and AA, who might

attend the groups' annual conferences but would never join a local community, secular humanists in AHA and CFI are more likely to value and encourage communities of nonbelievers. They see their humanism as a nonreligious alternative to religion, and they hope to find in it the functional equivalents of what the religious find in their congregations and other community structures. These alternatives include local communities with trained group leadership, summer camps for children, life-cycle rituals like naming ceremonies and funerals, and even a secular alternative to Alcoholics Anonymous, Secular Organizations for Sobriety.

A local secular humanist leader named Jeanie whom I met at a national conference explained to those of us attending a workshop how important it is to consider the big-picture needs of local group members: "I feel like there are life-cycle issues where people drop out of the movement. People start dropping out after college and after they start having children and families. If you want women to come to your discussion groups, you have to have child care." Jeanie understands herself as occupying a pastoral role as a local group leader, though she thinks local leaders need to do more to care for their group members: "We're growing toward that time when we can become a legitimate alternative to religious institutions. We are not yet a legitimate alternative. We just are not. This is what we need to become." For Jeanie and many other organized secular humanists, the goal is to create structures that are *like* those of religious groups, but which are not actually *religious*.

For the Council for Secular Humanism (CSH) and CFI, the challenge of being *like* religion, but *secular* is foundational. Paul Kurtz created CSH in 1980, in the wake of his departure from AHA in 1978. Partly to justify his break with AHA, and partly as a way to bring many of that group's members and donors with him, Kurtz constructed his groups to be avowedly *secular*. He consciously parted from the religious tradition of the humanist movement, capitalized on growing fervor among conservative Christians over the bugaboo of secular humanism, and provided an expressly nonreligious secular alternative to religion. The following section gives an account of secular humanism's institutional founding in order to explain CFI's recent legal victory, in which it convinced a federal court in Indiana to give it the rights of a religious group without actually calling it *religious*.

The Religion of Secular Humanism

The story of secular humanism begins in a footnote. In 1961, the Supreme Court ruled in *Torcaso v. Watkins* that language in state constitutions that requires a religious test for office violates the First Amendment of the Federal Constitution. The suit's most immediate effect was to allow Roy Torcaso to become a notary public in the state of Maryland, despite being a nontheist and despite that state's Constitution forbidding anyone from holding office who would not declare belief in the existence of God. In its *Torcaso* decision, the Court relied on a previous case, *Everson v. Board of Education* (1947), which had extended the notion of separation of church and state from the federal level to the states. Eight states still have language requiring all officeholders to believe in God, though where lawsuits have challenged that language, religious tests have been overturned. As is the case in Maryland, the original language can remain even after being overturned and made impotent ("Religious Tests for Public Office").

A minor footnote appears in the majority opinion in *Torcaso*, written by Supreme Court Justice Hugo Black: "Among religions in this country which do not teach what would generally be considered a belief in the existence of God are Buddhism, Taoism, Ethical Culture, Secular Humanism and others." Though the term *secular humanism* existed in 1961, no one had used it in print as a positive self-appellation. For example, Catholic Bishop Fulton Sheen mentioned it in

1940; Reinhold Niebuhr used it in a lecture in 1952, and Adlai Stevenson in a lecture in 1954. In all these cases, *secular humanism* is a disparaging term that contrasts with Christianity or *Christian humanism*.

Judge Black appears to borrow the term from two amicus curiae briefs submitted to the court in support of Roy Torcaso or from a footnote in a book published by Torcaso's attorney, Leo Pfeffer, in 1958 (Pfeffer 1988:14). In Pfeffer's book, he offers a broad definition of secular humanism without pointing to any self-identifying secular humanists: "The term 'secular humanism' is used in this book not to mean a consciously nontheistic movement, but merely the influence of those unaffiliated with organized religion and concerned with human values" (1958:29). Pfeffer observes in a retrospective article on *Torcaso* that the term's provenance is difficult to trace, and he attributes its appearance in one of the amicus briefs to Joseph Blau, a professor of Religion at Columbia University who had written a legal memorandum for the American Ethical Union, which may have then circulated more widely (Pfeffer 1988:14). Before *Torcaso*, secular humanism is mostly a foil for Christian humanism and hardly even constitutes a bugaboo; nor is it a descriptor commonly used among humanists, and certainly not in print (Walter 1994). After *Torcaso*, secular humanism becomes a "religion," in Black's words, "which do[es] not teach what would generally be considered a belief in the existence of God."

In the late 1960s and throughout the 1970s, minor lawsuits and state legislation began putting forth the idea that "Secular Humanism" is an official or established religion in the United States (Toumey 1993). In 1978, the same year that Kurtz left AHA, John W. Whitehead and John Conlan published an article in the *Texas Tech Law Review* that built on *Torcaso* in order to make "the religion of Secular Humanism" a full-blown bugaboo of the nascent Religious Right. According to Whitehead and Conlan, "The Supreme Court has adopted a concept of religion which is tantamount to Secular Humanism's position of the centrality of man, because the basis of both is the deification of man's reason" (1978:12). They argued that secular humanism had superseded Protestantism as the de facto established religion in the United States, and it was time for America to return to its Christian roots.

Building on Whitehead and Conlan, who argued that evolution is "a prominent feature of Secular Humanism" (44), in 1987 Judge W. Brevard Hand organized a class action lawsuit alleging that the religion of secular humanism was being taught in textbooks in public schools in Mobile, Alabama. An archconservative Nixon appointee in 1971, Judge Hand made a name for himself on the national stage in 1983 by ruling in favor of school prayer and arguing in his decision that the Supreme Court had misunderstood the Constitution in prohibiting states from establishing religion (Taylor 1987; *Jaffree v. Wallace* 1983). The founder of the Council for Secular Humanism and the Center for Inquiry, SUNY-Buffalo philosophy professor Paul Kurtz, testified in the 1987 textbook case, and Judge Hand referred to him by name in his decision:

Dr. Kurtz's testimony that secular humanism has no religious aspect is not logical. For purposes of the first amendment, secular humanism is a religious belief system, entitled to the protections of, and subject to the prohibitions of, the religion clauses. It is not a mere scientific methodology that may be promoted and advanced in the public schools. (*Smith v. Mobile County* 1987)

Though the decision banned forty-four textbooks from Mobile public schools in March 1987, it was overturned by a three-judge panel of the 11th US Circuit Court of Appeals in August of the same year. Judge Hand's legal maneuver failed, but he succeeded in bringing more attention to

secular humanism, as both an ideological foil and a small nonprofit with a few local affiliates throughout the country.

Kurtz succeeded on two fronts when he created an organization for secular humanists in 1980. He broke from the religious tradition of AHA—an organization that had forced him out under accusations of financial malfeasance—and he created an institutional and ideological bulwark that could draw energy from those who opposed the Religious Right. If Kurtz could establish that his *secular* humanism was not a religion and his beliefs and groups were not religious, then he and his fellow secular humanists could thwart conservative Christian attempts to argue that secular humanism is an established religion in the United States. Kurtz’s organizations benefited greatly from lawsuits like the textbook case in Mobile because they brought publicity and donations to the organization, and they provided the group with a clear opponent, albeit one that is far larger and more organized. In their founding, in their public face, and in their strategic vision, the Council for Secular Humanism and its umbrella organization, the Center for Inquiry, must be secular.

Center for Inquiry v. Marion Circuit Court Clerk

I turn now to a lawsuit that CFI won in the state of Indiana, which asked the courts to recognize that it is *like* a religious group, but not actually *religious*. Though a lower federal court saw this request as a contradiction, a federal appeals court recognized CFI as analogous to a religious group and granted its request. Like AHA, CFI wants the law to continue to draw a sharp distinction between religion and secular and to continue to afford special rights and exemptions to religious people and groups, and it also wants to be included in that special class. Unlike AHA, CFI refuses to be called religious even when receiving religious benefits.

Filed in a federal district court in Indiana in 2012, *CFI v. Marion Circuit Court* challenges the state’s wedding Solemnization Statute. According to Indiana law, anyone can officiate a wedding, but only certain governmental or religious persons can solemnize a wedding by filing a copy of the marriage certificate and the marriage license with the appropriate circuit court. The Center for Inquiry argued that its trained secular officiants, which it calls “secular celebrants,” should also be able to solemnize weddings. Because CFI lacks religious tax status, there are some states, like Indiana, where its celebrants cannot. CFI’s lawsuit provided a way to get around this problem without claiming it is religious or challenging the specialness of the religion. The suit acknowledged that Indiana’s “Solemnization Statute cannot be interpreted to suggest that everyone has a First Amendment right to solemnize marriages,” so CFI needed to prove its celebrants have a special right to do so (*CFI v. Marion Circuit Court* 2012).

In addition to CFI, one of the plaintiffs in the case was Reba Wooden, executive director of CFI’s Indiana branch. In 2009, Wooden created CFI’s first secular celebrant training program. The oldest organization to train celebrants is an adjunct of AHA called the Humanist Society, which was originally named the Humanist Society of Friends when it was founded by nontheistic Quakers in Los Angeles in 1939. Though AHA has changed its tax status to a secular nonprofit, it allows the Humanist Society to remain a religious 501(c)3 expressly to enable its ordained celebrants to solemnize weddings in all fifty states. Because CFI refuses to be identified as or with a religious organization, it does not allow its celebrants to receive certification through the Humanist Society or through the more widely known Universal Life Church. For example, Reba Wooden had to relinquish the Humanist Society certification she had previously received upon taking a paid position with CFI in 2007. CFI literally wants nothing to do with religion—not even the word.

Judge Sarah Evans Barker rejected CFI's argument. Though she based her decision on other grounds, Judge Barker spent several pages of her opinion refuting CFI's claim that it is simultaneously *not* religious and *analogous* to a religious group. Citing *Thomas v. Review Board of Indiana Employment Security Division*, she ruled that "the judicial process is singularly ill-equipped to resolve such [issues] in relation to the Religion Clauses' and that '[c]ourts are not arbiters of scriptural interpretation.'" She continued: "[W]e will not declare that CFI is a religion when it suits the group to be classified as one. Truly, CFI asks too much in making this argument. The group's recurrent insistence that it is not a religion forecloses the analysis they have entreated the Court to make" (*CFI v. Marion Circuit Court* 2012). Judge Barker would not allow CFI to have its cake and eat it, too.

CFI appealed Judge Barker's ruling, and the 7th Circuit Court of Appeals ruled in its favor. The higher court decided that CFI can be analogized to religion for the purposes of the law (*CFI v. Marion Circuit Court* 2014). In its decision, the appeals court affirmed the group's self-understanding:

The Center maintains that its methods and values play the same role in its members' lives as religious methods and values play in the lives of adherents. [...] [Plaintiffs] are unwilling to pretend to be something they are not, or pretend to believe something they do not; they are shut out as long as they are sincere in following an ethical system that does not worship any god, adopt any theology, or accept a religious label.

The court granted CFI's appeal because it considered the group secular, but on this criterion, religious: "An accommodation cannot treat religious groups favorably when secular groups are identical with respect to the attribute selected for that accommodation" (*CFI v. Marion Circuit Court* 2014). The court emphasized repeatedly that its understanding of neutrality requires that equivalent beliefs and groups be treated equally: nonbelievers like believers, and secular groups like religious. It allowed CFI to remain like religion, but be secular.

CONCLUSION: SECULARISM AND SECULAR PEOPLE

FFRF, AHA, and CFI face different challenges from American religion-making secularism because they seek to fashion distinct secular identities. They also attempt to reform American secularism in their own unique ways. FFRF's need to avoid religion in all senses determines its legal strategy, which aims to make the law and other parts of the state indifferent to the difference between secular and religious. The group wants to make everything secular in the eyes of the law by making religion no longer special. AHA struggles with what some its members consider a contradiction. While simultaneously attempting to rid itself of religion in order to become more appealing to secular Americans, it embraces a hybrid secular/religious identity that some of its members struggle to understand. Despite its strangeness, this identity is grounded in the group's humanist tradition and its prior engagements with American secularism through the courts and the IRS. CFI attempts to split the difference through a process of analogy. The group's secular humanism, its life-cycle rituals, and its humanist communities are analogous to religious belief, behavior, and belonging—but they are not religious. The courts have sanctioned CFI's self-understanding, and the group has succeeded in securing religious benefits for its religion-like voluntary societies.

This religious diversity within the secular exposes the limits of American secularism and provides scholars with useful ways to think beyond the persistent division of secular and religious. One way to avoid re-inscribing these path-dependent binaries is to adopt a more

capacious scholarly understanding of religion that makes room for the ontological, epistemological, and ethical commitments of nonbelievers (Hart 2013) even if it does not always insist on calling them *religious* in the vernacular sense. Quack (2014) has argued convincingly that social scientists should borrow from Bourdieu (1993) and embrace a model of the religion-related field. The social scientific study of religion would thus include not only that which lies within the religious field, but also that which helps constitute its borders.

Broadening the study of religion enables scholars to include people who fit awkwardly into the current categories. For instance, by recognizing that secular and spiritual beliefs and practices are part of centuries-old traditions preserved by communities (Weir 2014; Albanese 2006), scholars can make better sense of the diversity within the *religious nones*—a surplus category of outmoded surveys that points to an ever-growing proportion of Americans who claim no traditional religious affiliation and map poorly onto the labels that once made them legible. This broader conception of the religious also helps secular scholars of religion develop a more self-reflexive vocabulary and framework for understanding the tradition that produced nonbelievers and gave rise to the methodological atheism and agnosticism that figure most scholarly research. 2017 marks a hundred years since Max Weber gave “Science as a Vocation” as a lecture at Munich University, but the impact of rational empiricism on the development of secular subjectivities and religion-making secularism remains underexplored (Weber 2004).

A more capacious understanding of religion is not, however, an invitation to recuperate the religious that religion-making secularism has supposedly regulated into submission (Kahn and Lloyd 2016). To do so is to misread Jakobsen and Pellegrini (2008), Cady and Fessenden (2013), and Asad (2003), who have all observed the ways in which religion is a product of a process that has also produced the secular. This misreading obscures the fact that secular people in the United States are just as shaped by American secularism as religious people. *Secularism* is polysemous (Blankholm 2014), and it can be confusing to call this regulating process *secularism* when *secularism* also refers to the ideology of one of the terms being produced (i.e., the *secular*). *Secularism* is thus a name for both the regulative regime and one of the formations being regulated. This confusion has contributed to the current division in secular studies. Among scholars working on religion-making secularism there is little focus on secular people, and there are few scholars working on secular people who engage the insight that secularism produces and conditions religion and the secular.

Yet as Weir (2014, 2015) has shown, and as this article attempts to make clear, religion-making secularism and secular people are as imbricated as they are distinct, and they ought to be studied together without reducing one to the other. Religion-making secularism defines the border between religion and the secular by managing religion and deciding what lies in or out. It sets the conditions for what secular people can be and thus remains a crucial area of inquiry for scholars attempting to study them. Secular people can oppose religion and define themselves in opposition, or they can adopt hybrid forms that make secular/religious distinctions moot or contradictory. In their oddly religious diversity, secular people can provide generative source material for thinking across the binaries of secularism. Inasmuch as scholars studying religion and secularism are often personally secular, studying secular people is necessary for any serious genealogical or self-reflexive inquiry. If secular studies will be unified, scholars in both camps must find a shared vocabulary and framework that can acknowledge the polysemy of *secularism* and trace carefully its complex entanglements (Bender 2012) with atheism and religion.

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REFERENCES

“About the Humanist Society.” Humanist Society. <http://humanist-society.org/about/> (accessed August 31, 2013).

“Religious Tests for Public Office.” *Church/State FAQ*, Freedom From Religion Foundation. <http://ffrf.org/outreach/item/14017-religious-tests-for-public-office> (accessed March 30, 2015).

1952. “Failure in Religion Charged to Schools.” *New York Times*, January 8.

2002. “Having It Both Ways.” *Free Inquiry* 22, no. 4: 40.

1940. “Sheen Calls War a Spur to Religion.” *New York Times*, February 12.

1954. “Text of Adlai Stevenson’s Address at Columbia on Nation’s ‘Moral Crisis.’” *New York Times*, June 6.

Abington School District v. Schempp and *Murray v. Curlett* 374 U.S. 203 (1963).

American Atheists v. Shulman, Memorandum Order and Opinion, Civil Action No. 2012-264, E.D. Ky. (May 19, 2014).

Albanese, Catherine. 2006. *A Republic of Mind and Spirit: A Cultural History of American Metaphysical Religion*. New Haven: Yale University Press.

Asad, Talal. 1993. *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*. Baltimore: Johns Hopkins University Press.

———. 2003. *Formations of the Secular: Christianity, Islam, Modernity*. Stanford: Stanford University Press.

Baker, Joseph O. and Buster G. Smith. 2015. *American Secularism: Cultural Contours of Nonreligious Belief Systems*. New York: New York University Press.

Bender, Courtney. 2012. “Things in Their Entanglements.” In *The Post-Secular in Question*, edited by Philip S. Gorski, David Kyuman Kim, John Torpey, and Jonathan VanAntwerpen, 43-76. New York: New York University Press.

Blankholm, Joseph. 2014. “The Political Advantages of a Polysemous Secular.” *The Journal for the Scientific Study of Religion* 53, no. 4: 775-790.

- Bourdieu, Pierre. 1993. *The Field of Cultural Production: Essays on Art and Literature*. Edited by Randal Johnson. New York: Columbia University Press.
- Cady, Linell E. and Elizabeth Shakman Hurd, eds. 2010. *Comparative Secularisms in a Global Age*. New York: Palgrave Macmillan.
- Cady, Linell E. and Tracy Fessenden, eds. 2013. *Religion, the Secular, and the Politics of Sexual Difference*. New York: Columbia University Press.
- Calhoun, Craig, Mark Juergensmeyer, and Jonathan Vanantwerpen, eds. 2011. *Rethinking Secularism*. New York: Oxford University Press, 2011.
- Center for Inquiry, Inc. v. Marion Circuit Court*, No. 1:12-cv-00623-SEB-DML, U.S. Dist. LEXIS 170243 1, 3 (S.D. Ind. 2012).
- Center for Inquiry, Inc. v. Marion Circuit Court Clerk*, 2014 U.S. App. LEXIS 13354 (7th Cir. Ind., July 14, 2014).
- Cimino, Richard and Christopher Smith. 2014. *Atheist Awakening: Secular Activism & Community in America*. New York: Oxford University Press.
- Doe v. Acton-Boxborough Regional School District*, 468 Mass. 64 (2014).
- Doe v. Acton-Boxborough Regional School District*, 8 N.E.3d 737 (2012).
- Doe v. Acton-Boxborough Regional School District*, No. SJC-11317, at 9 (Mass. Nov. 12, 2012).
- Dressler, Markus and Arvind-Pal S. Mandair, eds. 2011. *Secularism and Religion-Making*. New York: Oxford University Press.
- Edgell, Penny, Joseph Gerteis, and Douglas Hartmann. 2006. "Atheists as 'Other': Moral Boundaries and Cultural Membership in American Society." *American Sociological Review* 71: 211-234.
- Elk Grove Unified School District v. Newdow*, F.3d 597 (9th Cir. 2002).
- Engelke, Matthew. 2013. "Secular Shadows: African, Immanent, Post-colonial." *Critical Research on Religion* 3, no. 1: 86-100.
- Everson v. Board of Education of the Township of Ewing, et al*, 330 U.S. 1. 67 Sup. Ct. 504 (1947).
- Fitzgerald, Timothy, ed. 2007. *Religion and the Secular: Historical and Colonial Formations*. Oakville, CT: Equinox Publishing.
- Fellowship of Humanity v. County of Alameda*, 153 Cal.App.2d 673, 315 P.2d 394 (1957).
- Freedom From Religion Foundation v. Hanover School District*, 626 F.3d 1 at 13 (2010).

Freedom From Religion Foundation v. Miller, Complaint, Case No. 12-CV-946, W.D. Wis. (December 27, 2012).

Freedom From Religion Foundation, Inc. v. Lew 773 F.3d 815 (7th Cir. 2014).

Freedom From Religion Foundation, Inc. v. Timothy Geithner, No. 11-CV-626 (W.D. Wis. 2011).

García, Alfredo and Joseph Blankholm. 2016. "The Social Context of Organized Nonbelief: County-Level Predictors of Nonbeliever Organizations in the United States." *Journal for the Scientific Study of Religion* 55, no. 1: 70-90.

Goodridge v. Department of Public Health, 798 N.E.2d 941 (Mass. 2003).

Gordon, Peter. 2008. "The Place of the Sacred in the Absence of God: Charles Taylor's *A Secular Age*." *Journal of the History of Ideas* 69, no. 4: 647-673.

Hart, William D. 2013. "One Percenters: Black Atheists, Secular Humanists, and Naturalists." *South Atlantic Quarterly* 112, no. 4: 675-696.

Hein v. Freedom From Religion Foundation, 551 U.S. 587 (2007).

Hirschkind, Charles. 2011 "Is There a Secular Body?" *Cultural Anthropology* 26, no. 4: 633-647.

Holyoake, G. J. 1896. *The Origin and Nature of Secularism*. London: Watts & Co.

Hurd, Elizabeth Shakman. 2015. *Beyond Religious Freedom: The New Global Politics of Religion*. Princeton: Princeton University Press.

Jaffree v. Wallace, 705 F.2d 1526 (1983).

Jakobsen, Janet R. and Ann Pellegrini. 2000. "World Secularisms at the Millennium: Introduction," *Social Text* 18, no. 3: 1-27

Jakobsen, Janet R. and Ann Pellegrini, eds. 2008. *Secularisms*. Durham, NC: Duke University Press.

Joint Committee on Taxation. "Estimates Of Federal Tax Expenditures For Fiscal Years 2014-2018." <https://www.jct.gov/publications.html?func=startdown&id=4664> (accessed February 28, 2015).

Kalka v. Hawk, 215 F.3d 90, at 99 (2000).

Kahn, Jonathon S. and Vincent W. Lloyd, eds. 2016. *Race and Secularism in America*. New York: Columbia University Press.

Keane, Webb. 2013. "Secularism as a Moral Narrative of Modernity." *Transit: Europäische Revue* 43: 159-170.

- Kettell, Stephen. 2014. "Divided We Stand: The Politics of the Atheist Movement in the United States." *Journal of Contemporary Religion* 29, no. 3: 377-391.
- Kors, Alan C. 2016. *Epicureans and Atheists in France, 1650–1729*. New York: Cambridge University Press.
- Le Beau, Bryan. 2003. *The Atheist: Madalyn Murray O'Hair*. New York: New York University Press.
- Mahmood, Saba. 2006. "Secularism, Hermeneutics, and Empire: The Politics of Islamic Reformation." *Public Culture* 18, no. 2: 323-347.
- . 2010. "Can Secularism Be Other-wise?" In *Varieties of Secularism in a Secular Age*, edited by Warner, Michael, Jonathan VanAntwerpen, and Craig Calhoun, 282-299. Cambridge, MA: Harvard University Press.
- . 2015. *Religious Difference in a Secular Age: A Minority Report*. Princeton: Princeton University Press.
- Marcus, George. 1995. "Ethnography in/of the World System: The Emergence of Multi-Sited Ethnography." *Annual Review of Anthropology* 24, no. 1: 95-117.
- McCants, Jonathan T. 2010. "The Ministerial Housing Allowance in the Dock." *Taxation of Exempts* 22, no. 3: 44-48.
- McCrary, Charles and Jeffrey Wheatley. 2016. "The Protestant Secular in the Study of American Religion: Reappraisal and Suggestions." *Religion*. Published electronically 26 October.
- Niose, David. 2012. *Nonbeliever Nation: The Rise of Secular Americans*. New York: Palgrave Macmillan.
- Nongbri, Brent. 2013. *Before Religion: A History of a Modern Concept*. New Haven: Yale University Press.
- Olds, M. 1996. *American Religious Humanism*, Revised ed. Minneapolis: Fellowship of Religious Humanists.
- Pfeffer, Leo. 1958. *Creeds in Competition*. New York: Harper & Bros.
- . 1988. "How Religious Is Secular Humanism?" *The Humanist* 48, no. 5: 14.
- Quack, Johannes. 2014. "Outline of a Relational Approach to 'Nonreligion.'" *Method and Theory in the Study of Religion* 26, no. 4-5: 439-469.
- Quack, Johannes and Cora Schuh, eds. 2017. *Religious Indifference: New Perspectives from Studies on Secularization and Nonreligion*. New York: Springer.
- Smith v. Board of School Commissioners of Mobile County*, 655 F. Supp. 939, S.D. Ala. (1987).

- Smith v. Board of School Commissioners of Mobile County*, 827 F.2d 684 (1987).
- Speckhardt, Roy. 2007. "The Humanist Tax Exemption." *Humanist Network News*, February 7. <http://www.americanhumanist.org/hnn/archives/?id=283%20&article=1> (accessed March 12, 2014).
- Scherer, Matthew. 2013. *Beyond Church and State: Democracy, Secularism, and Conversion*. New York: Cambridge University Press.
- Sullivan, Winnifred Fallers. 2014. *A Ministry of Presence: Chaplaincy, Spiritual Care, and the Law*. Chicago: University of Chicago Press.
- Taylor, Charles. 2007. *A Secular Age*. Cambridge, MA: Harvard University Press.
- . 2009. "The Polysemy of the Secular." *Social Research* 76, no. 4:1143-1176.
- Thomas v. Review Bd. of Ind. Emp't Sec. Div.*, 450 U.S. 707, 715-16 (1981).
- Torcaso v. Watkins*, 367 U.S. 488 (1961).
- Toumey, Christopher P. 1993. "Evolution and Secular Humanism." *Journal of the American Academy of Religion* 61, no. 2: 275-301.
- Walter, Nicolas. 1994. *Humanism: Finding Meaning in the Word*. London: Rationalist Press Association.
- Washington Ethical Society v. District of Columbia*, 101 U.S. App. D.C. 371 (1957).
- Weber, Max. 2004. *The Vocation Lectures*. Edited by David S. Owen and Tracy B. Strong. Translated by Rodney Livingstone. Indianapolis: Hackett Publishers.
- Weir, Todd H. 2014. *Secularism and Religion in Nineteenth-Century Germany: The Rise of the Fourth Confession*. New York: Cambridge University Press.
- . 2015. "Germany and the New Global History of Secularism: Questioning the Postcolonial Genealogy." *The Germanic Review: Literature, Culture, Theory* 90, no. 1: 6-20.
- West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943).
- Whitehead, John W. and John Conlan. 1978. "The Establishment of the Religion of Secular Humanism and Its First Amendment Implications." *Texas Tech Law Review* 10, no. 1: 1-66.
- Wilson, Catherine. 2008. *Epicureanism at the Origins of Modernity*. New York: Oxford University Press.
- Winston, Kimberly. 2014. "New 'Openly Secular' group seeks to combat anti-atheist discrimination." *The Washington Post*, May 2.

http://www.washingtonpost.com/national/religion/new-openly-secular-group-seeks-to-combat-anti-atheist-discrimination/2014/05/02/b8195ba8-d231-11e3-a714-be7e7f142085_story.html (accessed March 12, 2014).

Zuckerman, Phil, Luke W. Galen, and Frank L. Pasquale. 2016. *The Nonreligious: Understanding Secular People and Societies*. New York: Oxford University Press.