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“I Know It When I See It:” Humanism, Secularism, and Religious Taxonomy

1 Introduction

When Supreme Court Justice Potter Stewart defined “hard-core pornography” in 1964’s *Jacobellis v. Ohio* with the phrase “I know it when I see it,” he may as well have been talking about religion (378 US 197 (1964)). Anyone who has taken or taught a religion course in the Humanities or Social Science disciplines is likely familiar with the conceptual difficulties in defining “religion” (or “a religion,” for that matter). While it often feels like a simple matter to recognize religion when one sees it, it is just as often a challenge to justify that identification. A room of students struggling to come up with the perfect definition of religion—not too broad, not too limiting, not dependent on essentialist claims, etc.—is an illuminating classroom activity. The fact is, though, that most people have not taken such a course, let alone taught one, and public discourse on religion rarely recognizes the ambiguity of religion as a discursive category. Indeed, many people do not see the project of defining religion as problematic at all. They simply know it when they see it.

For most Americans, “religion” and “church,” when used as descriptive terms, retain Christian connotations of structure, belief, practice, and community. These connotations are retained when they attempt to describe quasi-religious or non-religious philosophies or movements in terms of religion. The construction in the public consciousness of “secular humanism” as a political bogeyman and threat to American religion demonstrates this propensity to use Christian forms. By examining how people outside the academic study of religion have wrestled with the relation of various forms of irreligion—especially secular humanism—to religion, we can see how the idea of secular humanism is conceptually disruptive by illuminating normative pitfalls in colloquial definitions of religion.

Ironically, Justice Stewart’s legal reasoning could be held at least partially responsible for secularism being thought of as a religion. His claim, “I know it when I see it,” with its colloquial, common-sense language, has been a popular and oft-cited phrase in both federal court decisions and everyday speech. Although in later cases he did attempt to further define pornography, Stewart ultimately settled on the “I know it when I see it” standard as the best solution when attempting to define the undefinable (Gewirtz 1996, 1027). Earlier in his tenure
on the Supreme Court, Stewart had used a similar yardstick when it came to religion. In his lone dissent to *School District of Abington Township v. Schempp* (1963), he described the majority’s decision to ban Bible readings in public schools “not as the realization of state neutrality, but rather as the establishment of a religion of secularism” (374 US 203 (1963)). Stewart did not attempt to define religion, but he knew it when he saw what he called “government support of the beliefs of those who think that religious exercises should be conducted only in private.” While Stewart did not elaborate further on what he meant by “religion of secularism” beyond the claims made in the oral arguments, he most likely did not imagine secularism to be a religion in the same sense that he would consider Christianity or Buddhism to be. Rather, it was a rhetorical flourish countering the charge that Bible reading in schools violated the Establishment Clause. This particular turn of phrase happened to fit in neatly with a longstanding tradition of attempting to delegitimize the idea of secularism by framing it as an anti-religious religion, subject to the Establishment Clause, and contrary to American ideals.

2 Defining Religion and nonreligion

Scholars of religion have to acknowledge that no matter how much they might balk at it, in some circumstances, a working definition of religion is necessary. As Talal Asad reminded the academy in a 2014 interview on the twentieth anniversary of his book *Genealogies of Religion*:

To define “religion” is (...) in a sense to try and grasp an ungraspable totality. And yet I nowhere say that these definitions are abstract propositions. I stress that definitions of religion are embedded in dialogs, activities, relationships, and institutions that are lovingly or casually maintained—or betrayed or simply abandoned. They are passionately fought over and pronounced upon by the authoritative law of the state. (Martin and Asad 2014, 12–13).

When the courts are called upon to rule on matters of religious exercise or establishment, they need to be able to inform their decisions with a reasonable definition of religion. Likewise, when courts must deal with organized irreligion, they need to be able to speak meaningfully about their relations to religion in order to apply First Amendment protections equally. Historically in the United States, humanism has been among the thorniest of these beasts. There is much confusion about what exactly it is: is it, following the framers of the original *Humanist Manifesto* of 1933, a new religion to replace the old (Kurtz 1973, 8)? Is it, following Paul Kurtz, an expression of values and a method of inquiry
(Kurtz 1983, 8)? Is it, as a federal judge recently decided, simply a religion for the purposes of the establishment clause (American Humanist Assoc. v. Bureau of Prisons, et al., 3:14-CV-0056-HZ (2015))? Representatives of the American Humanist Association today would have different ideas of what the term connotes from, for example, Jesse Helms and Francis Schaeffer in 1979. Complicating matters is the problem of terminology: particularly when employed to attack irreligion, the terms “humanism,” “secularism,” and “secular humanism,” have been used interchangeably to describe a wide range of irreligious practice and thought (see the Introduction of this volume for a discussion of some of these terms). A historical perspective on how Americans have dealt with nonreligion that looks something like religion since the 1920s can help to make sense of the confusion surrounding the use of humanism. Writers of catalogues of religions, activists, and legislators and judges have all tried to nail down this slippery concept, and in doing so have illuminated their own prejudices as to what does and does not constitute a religion.

3 Cataloguing nonreligion

The twentieth century, with its increases in globalization, in religious pluralism, and in proliferation of new religions, saw the creation of a market for books that attempted to make sense of the diverse religious landscape. These catalogues of religions, adhering to no academic rigor, comprise a particularly interesting genre, especially those volumes that focus on religions the author sees as cults, heresies, or otherwise unorthodox. They bring to mind Tomoko Masuzawa’s observation that “the modern discourse on religion and religions was from the very beginning (...) a discourse of secularization; at the same time, it was clearly a discourse of othering” (Masuzawa 2005, 20). Masuzawa has shown how the language of religious studies developed in conjunction with European colonialism, reading the cultural practices of non-European peoples through the lens of Protestant Christianity. Further, Tracy Fessenden has discussed the “unmarked” nature of Christianity in discourse on religions, especially in the United States, which often implicitly conflates “Christian” and “religious” (Fessenden 2007, 4). Indeed, both the discourse of secularization and the discourse of othering are at play in these catalogues of religions. The catalogues treated religion as a category with identifiable traits held in common; in this view, a taxonomy of religions can easily be derived by identifying not only the genealogies of religion, but also how religions fulfill particular traits. Even (or especially) when written from an explicitly sectarian viewpoint, the catalogues evaluated movements, organizations, or institutions as religious inso-
far as they could fulfill the same criteria as the so-called world religions, most particularly Christian traditions. The writers of these catalogues were conscious of religious pluralism, and they understood that their own religion was not the only option in the spiritual marketplace. It is this recognition of secularism and pluralism that prompted some of these authors to embark on their projects in the first place; many of the catalogues are polemic in their condemnation of “alternative” religions. This deliberate othering of minority religions served to validate the author’s favored tradition, but also, in the case of humanism, secularism, or even agnosticism and atheism, to apply the conceptual frameworks of religion onto non-religious phenomena. These catalogues were the product of both an environment of rampant religious pluralism as well as the discomfort such a fertile field for new religious movements provoked among the dominant traditions. Complicating matters further was the ever-changing international flow of ideas and ideologies; although the Cold War with its threat of godless Soviet Communism is the emblematic period of moral panic over atheism, Americans consistently associated nonreligion with the foreign bogeyman of the day, whether that was anarchism, fascism, or socialism (Richter 2015).

In 1928, Charles Ferguson, the former religion editor for Doubleday, Doarn, and Company, published *The Confusion of Tongues: A Review of Modern ‘Isms’*, also printed under the title *The New Books of Revelations*. In its pages, he detailed more than twenty so-called cults ranging from New Thought and Mormonism to the Dukhobors to Kukluxism. Ferguson had been inspired in this project by the increase in new religious movements since the World War. “America has always been the sanctuary of amazing cults,” he said, but recently they had been claiming all of the growth in a rich field of religious sentiment (Ferguson 1929, 4). These “isms”— an enormously popular term of the time for any religious, political, or social movement out of the mainstream—were gaining so many adherents due to what he called democracy’s disintegrating influences on orthodox faiths. Ferguson saw the “true temper” of the American people displayed in these new movements:

We find the genuinely religious type of mind, not in the orthodox churches, but rather in the cults; the willingness to break with home and old alignments signalizes the true faith in the spiritual mirage. The cults stand for creative religion in the hands of the people. We shall not know America until we know the religions that America has made and created (Ferguson 1929, 9).

“Cults” represented to Ferguson the enterprising spirit of the nation and according to him, there was “no more evangelical cult in modern times than the American Association for the Advancement of Atheism” (Ferguson 1929, 13).
The American Association for the Advancement of Atheism (4A, hereafter) was the first serious atheist organization in the United States, and in the 1920s inspired a short-lived burst of college atheist clubs. For a few years, its president and co-founder Charles Lee Smith gained notoriety through media stunts designed to shock religious Americans. They held a “Blamegiving” service in 1931 to replace Thanksgiving, and Smith enjoyed an extended blasphemy trial in 1928 courtesy of the state of Arkansas—the last successful conviction for blasphemy in the United States (Schmidt 2011, 219). The 4A and its affiliated groups were very successful at getting attention, but never actually had significant numbers¹. Ferguson took them very seriously, however, and saw them as “the most clear-cut example of how a religion gets formed, what it does, and how it operates” (Ferguson 1929, 427). He examined the 4A’s materials and saw in their structure a familiar form: that of a religion. The 4A professed its own five “fundamentals” to match those of the Fundamentalists: Materialism, Sensationalism, Evolution, the Existence of Evil, and Hedonism. “It is as though the apostles of the 4A had gone carefully through the catalogue of theology and set down the opposite of every conventional doctrine,” Ferguson wondered (Ferguson 1929, 431). And certainly that is what Smith had done in a conscious act of satire, which speaks to a familiar or colloquial way of defining religion: both Smith and Ferguson saw religion as understandable if it could fit into a neat grid with boxes for such criteria as “holy book,” “nature of the universe,” “core beliefs,” or “hierarchy.” Smith’s stated intent was not to establish 4A as a new religion, but rather the eventual elimination of all religions. But Ferguson argued that the organization was indeed a religion for three reasons.

First, he considered the very act of Smith’s inversion of every aspect of fundamentalism to be religion-formation in its essence. Regardless of Smith’s intentions, he had assembled a religion from its components. Second, Ferguson believed that the 4A’s “solemn denial of God” produced for its adherents the same “psychic kick” that affirming God did in believers (Ferguson 1929, 432). If religion was in part an embodied phenomenon, then there was no difference between 4A and the religious fundamentalism it mocked. Rather, it offered a new, yet familiar, avenue by which to access religious experience. Finally, there was the social program of the 4A, including a campaign to remove “In God We Trust” from coins, to eliminate the military chaplaincy, and eventually to eliminate religion worldwide. Dismissing the likelihood of these plans actually

¹ It is unclear how many members the 4A had at its height, but there is no evidence that their actual membership was more than a few thousand, even though their literature frequently claimed millions of atheists in America.
bearing fruit, Ferguson stressed that there was “a vast gulf between the irreligious and the Atheistic” (Ferguson 1929, 435). Someone who simply professed no religion was, for him, not religious, while those who loudly proclaim their lack of religion are, ironically, participating in the religion of Atheism as established by the 4A.

A decade later, in 1938, Jan Karel Van Baalen published The Chaos of Cults, which, like its predecessor, would go on to multiple editions and printings over the following years. Writing just before World War II, Van Baalen was concerned with the growth of non-Christian religions in the United States, and what he believed to be the lack of teaching of orthodox Christianity. In a new edition of his text published in 1944, he worried that religious “isms” would lead to political “isms,” eventually producing an American Hitler (Van Baalen [1938] 1944, 11). One of the most insidious of these cults, he maintained, was modernism, especially in what he called its humanist form.² Van Baalen saw modernism as essentially humanist, and thus open to an easy slide away from even nominal Christianity. What most alarmed him was how humanist hymns – that is, modernist hymns that focused on social issues – could be quickly modified to apply to any other religion, nationalism, or other ism. William George Tarrant’s hymn “My Master Was a Worker” was particularly problematic for him; aside from its themes of labor and shared burden, the titular “My Master” could be replaced by any person or concept of three syllables or less, such as “Old Bismarck was a worker,” “Our Lincoln was a worker,” or even “Mohammed was a worker” (Van Baalen 1944, 216–17). In this way, Van Baalen feared, modernist hymns quietly promoted worship of man rather than of God. Humanism disguised as modernist theology, he believed, was eating away at Christianity from the inside.

By the 1960s, Humanism, atheism, and other non-religious worldviews were finding prominence in both the courts and the public eye (see Fazzino and Cragun, this volume). Richard R. Mathison’s Faiths, Cults, and Sects of America: From Atheism to Zen catalogued a variety of irreligious expressions along with other new religious movements and interlopers on the American religious scene. While Mathison suspected many of his cults of simply seeking a quick buck, he saw humanism as offering an honest if empty appeal to the leftist intellectual. Although he dismissed the idea that the “quasi-religious” movement of humanism could be “called a religion in the formal sense” without providing any reasoning for this judgment, he saw its appeal to the extreme left in its

² Since the 1920s, Fundamentalists defined themselves largely in opposition to theological modernism, a term that for them included the higher criticism of the Bible. In popular usage, “modernism” often encompassed all Christian denominations that were not strictly Fundamentalist. See Marsden, Fundamentalism and American Culture.
lief in man’s moral obligation to use his intellectual and moral endowments in such a way that man everywhere can ‘develop to his fullest capacity’” (Mathison 1960, 22–23). In stark contrast, he presented an account of an American Association for the Advancement of Atheism meeting, in which a dour group meets on a Saturday night to hear a speaker coldly rail against God, the Bible, and superstition until the allotted time is up:

The speaker has finished. The notebooks are closed. The ritual has been completed. There is neither joy nor laughter as the grim cultists sip tea and discuss the virtues of the lecture. Next Saturday night they will meet again. Another speaker will give a lecture much like the one tonight. Meanwhile, the unhappy rebels will study the Scriptures to justify their empty creed. It is, after all, a Holy Cause – even if each of them is alone in eternity (Mathison 1962, 122).

The fact that the 4A had been virtually disbanded for decades mattered little when it came to its value as anti-atheist propaganda. The organization’s very existence in the 1920s and 1930s left a lasting impression in the imaginations of those concerned about the creeping threat of secularization. Surviving copies of 4A pamphlets popped up well into the 1960s as evidence of the secular threat to Christian America. In 1964, for example, WSB-TV in Atlanta cited the 4A platform in a news broadcast discussing the latest exploits of Madalyn Murray O’Hair and her organization American Atheists.³ The irony of this conflation was that American Atheists has been immeasurably more successful than the 4A in its impact on the legal status of atheism.

4 Nonreligion and the Law

In 1961, the year after Mathison’s book was published, the Supreme Court produced one of its most quoted footnotes regarding humanism in the case Torcaso v. Watkins. The case itself held that the states as well as the federal government could require no religious test for public office. But for those interested in the religious status of humanism, footnote eleven was the important part of the decision: “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” (367 US 488 (1961)). The fact that a footnote has no legal power of precedent could not stop legions of Americans from

believing that the Supreme Court had ruled that secular humanism was a religion. *Torcaso*, along with *Engel v. Vitale* the next year, led even US Senators to this conclusion, as when Senator Herman Talmadge of Georgia argued during Senate discussion of *Engel* on August 25, 1962 that “the Supreme Court had set up atheism as a new religion.” Absalom Robertson, the Senator from Virginia and father of Pat Robertson, agreed: “Atheism is a religion. It is a religion that denies god. Buddhism is a religion. Mohammedism⁴ is a religion. Shintoism is a religion. There are many religions. Of course atheism is a religion. The Unitarians do not believe in the Trinity. They have a religion.”⁵ Robertson’s impromptu Senate floor discourse on the nature of religion is illuminating in its recapitulation of the evolution of scholarly thought on what makes a religion. He recognized that Christianity no longer had sole claim to the status of “religion” in the West – that belief in the Trinity could not be the defining criterion for a religion in a pluralistic world – and listed a handful of what were considered “world religions” at the time. Articulating a theory of religion in this way has often been an effective method of displaying a limited acceptance for religious pluralism without recognizing the complexities in the modern religious landscape. The landmark Supreme Court rulings regarding religion in the 1960s made nonreligion and secularism hot button political issues to be seized upon by groups such as the Heritage Foundation and the Moral Majority. The Heritage Foundation fired one of the foundational salvos in a 1976 pamphlet by Onalee McGraw: “Secular Humanism and the Schools: The Issue Whose Time Has Come.” In this tract, which school reformers mailed out to school districts and parents by the thousands, McGraw argued that “humanistic education” had replaced traditional teaching in America’s public school system. The fifth grade humanities program, “Man: A Course of Study” (MACOS), exemplified this trend in curriculum. McGraw used the words of Peter Dow, one of its developers, to condemn MACOS as challenging “the notion that there are ‘eternal truths’ (e.g., the Ten Commandments) that must be passed down from generation to generation” (McGraw 1976, 5). This challenge to essential truth lies at the heart of the fears of secular humanism and irreligion in general – the concern that if transcendent sources of morality are removed, people will have no reason not to act on their every base impulse.

In 1978, two lawyers provided comprehensive legal argument that the religion of secular humanism had been established in the public schools of the United States. John W. Whitehead, later the founder of the Rutherford Institute,

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⁴ I.e., Islam.
and John Conlan, who had just lost a re-election bid for a third term in the US House of Representatives, published a long paper in the Texas Tech Law Review in which they laid out the history of the Supreme Court’s changing definitions of religion to reflect an increasingly secularized culture, leading to, in their view, a de facto establishment of Secular Humanism in violation of *Abington Township v. Schempp*, in which the Supreme Court had ruled that “the state may not establish a ‘religion of secularism’ in the sense of affirmatively opposing or showing hostility to religion, thus ‘preferring those who believe in no religion over those who do believe’” (Whitehead & Conlan 1963, 1). Whitehead and Conlan interpreted an absence of explicitly Christian textbooks as “affirmatively opposing or showing hostility to religion.” Further, they interpreted the court’s phrase “religion of secularism” literally, imagining that it was a plain description of an analogue to theistic religions, rather than a metaphor for overreaction by the state:

> “Secularism” is nontheistic and “humanism” is secular because it excludes the basic tenets of theism. Therefore, Secular Humanism is nontheistic. However, while Secular Humanism is nontheistic, it is religious because it directs itself toward religious beliefs and practices, that are in active opposition to traditional theism. Humanism is a doctrine centered solely on human interests or values. Therefore, humanism deifies Man collectively and individually, whereas theism worships God (Whitehead & Conlan 1963, 30).

For their historical context, Whitehead and Conlan relied almost exclusively on Rousas John Rushdoony, the father of modern Christian Reconstructionism, and this comes out in their repeated dismay that the foundations of law had moved away from theistic absolutes and toward sociological relativism. Citing Rushdoony fourteen times in their paper, they adopted his position that all law is “inescapably religious,” and thus “a fundamental and necessary premise in any and every study of law must be, first, a recognition of this religious nature of law” (Rushdoony and North 1973, 4). Therefore, Whitehead and Conlan imagined a clash between religions – Christianity was not merely being edged out of the government in favor of religious neutrality, but rather being replaced by a rival religion that denied any transcendent source of morality. This position allowed them to use the Establishment clause as a wedge, arguing for the expulsion from the governmental sphere of anything that could be interpreted as constituting the religion of secular humanism. Dozens of law review articles cited this paper, with many continuing the argument to return American jurisprudence to Christian underpinnings and disestablish secular humanism (e.g. Eigner 1986; Melnick 1981; Schmid 1989).

The Whitehead and Conlan paper also became a foundational document for many culture warriors of the late seventies and eighties. Homer Duncan quoted extensively from it in his book *Secular Humanism: The Most Dangerous Religion*
in America, which featured an introduction by Jesse Helms. Duncan again relied on a fill-in-the blanks format to define “religion,” identifying secular humanism’s “adherents...central doctrine...rosary...and...last rites” as evidence that it fit neatly into the category of religion (Duncan 1979, 15). Duncan had a great deal of evidence from early humanists to support his claims, but conflated the desires of humanists like Charles Francis Potter and John Dewey to instill the values of a new humanist religion via the public schools with the realities of modern schooling. Like many critics of humanism, Duncan frequently used the two Humanist Manifestos as damning evidence, but never mentioned the changes from 1933 to 1973 in the authors’ approach to humanism as a religion. The second Manifesto no longer proposed the creation of a new religion or described humanism as a religious movement; instead, it explicitly disclaimed the articulation of “a new credo” (Kurtz 1973, 13). According to Duncan, secular humanism was dangerous because its goal was to destroy Christianity; because it was inherently deceptive; and because it was propagated through public schooling (from kindergarten through university), the media, the courts, and government agencies (Duncan 1979, 18). The prime example of the insidiousness possessed by humanism was in Madalyn Murray O’Hair’s success, as “one atheistic woman” to convince the Supreme Court to end school prayer in Abington School District v. Schempp, which Duncan believed would have been impossible if the courts had not been “strongly biased by Humanism” (Duncan 1979, 102). Duncan also relied on an idea that would be familiar to viewers of Bill O’Reilly today: the notion that Christianity is more than just a religion, and thus not subject to the same restrictions of the establishment clause as mere “religions” like secular humanism would be.⁶ This line of argument interprets the Establishment Clause of the First Amendment as only prohibiting the establishment of any particular Christian denomination; it absolutely rejects the idea that the clause even considers non-Christian religions or nonreligion. Duncan read the Constitution as the blueprint for a Christian nation and could not imagine it standing in the way of a Christian state. But according to Duncan, Christianity no longer held its traditional role in America. He argued that Schempp “not only violated the right of free exercise of religion for all Americans; it also established a national religion in the United States – the religion of secular humanism” (Duncan 1979, vi). In an appendix to his book, Duncan listed the most prominent organizations promoting humanism; in addition to the usual suspects such as

⁶ On the November 28, 2012, episode of The O’Reilly Factor with guest David Silverman, president of American Atheists, O’Reilly argued, “Christianity is not a religion; it is a philosophy,” and thus acceptable for the government to promote.
American Atheists and the American Humanist Association, the “most powerful and effective means for promoting Humanism” was the United States Government itself (Duncan 1979, 121).

Duncan’s position on the status of secular humanism became for a brief time the law, when in 1987, Judge William Brevard Hand of the United States District Court in Alabama ruled that not only was secular humanism a religion, it had in fact already been established in the public schools, and thus he ordered forty-four suspect textbooks removed from use in Alabama schools in the middle of the school year. Although the decision would be quickly overturned by the 11th Circuit, the Center for Judicial Studies published Judge Hand’s decision with an introduction by Richard John Neuhaus, who expected that most of its readers would agree that secular humanism was a religion under either a substantive or functional definition of religion (in Hand 1987, vii). Testimony in the case indeed brought out numerous definitions, ranging from Tillich’s “ultimate concern” to a meandering version of Durkheim’s definition. Judge Hand found the most expansive definitions of religion helpful to his cause, in particular that of Dr. James Kennedy, who acknowledged that the commonplace first approach to defining religion – that it involves belief in God – does not include the various non-theistic religions of the world, and thus a capacious definition like Tillich’s would be most useful (Hand 1987, 30). This stance allowed Judge Hand the leeway he needed to consider secular humanism, for all its nebulous nature, to be a religion for the purposes of the Establishment Clause. For the second half of his argument, that it had already been established in the nation’s public schools, he compiled an exhaustive list of quotations from textbooks used in Alabama, categorizing them as examples of “Anti-theistic Teaching,” “Subjective and Personal Values Without an External Standard of Right and Wrong,” “Hedonistic, Pleasure, Need-Satisfaction Motivation,” and “Anti-Parental, Anti-Family Values” (Hand 1987, 71–96). Not one of the allegedly anti-theistic quotations Judge Hand selected contained any directly negative language about religion or God. Instead, he objected to them because of their lack of religious language. One textbook included the statement: “Even though you are a special, one-of-a-kind human being, you share certain basic needs with all people. These needs are physical, emotional, mental, and social,” which Judge Hand deemed an anti-theistic teaching on the basis that it did not acknowledge religious or spiritual basic needs (Hand 1987, 71). The rest of his examples were no more damning. One of

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7 Substantive (or essentialist) definitions of religion define the phenomenon in terms of what Peter Berger has called its “meaning-complexes,” while functional definitions describe what it does in its relationships to other human systems. See Berger (1974).
the key points in the case was John Dewey’s goal in the thirties of replacing a watered down established Christianity with a religion of humanism (Kurtz 1973, 8). Because Dewey and the other signatories of the 1933 Humanist Manifesto had agreed to this religious language, Judge Hand had all the evidence he needed to rule secular humanism as a religion, and the public schools, inspired as they were by Dewey’s reforms, as their humanist churches.

The argument that secular humanism was an established religion carried weight even in Congress. While still a US representative from Arizona, Conlan introduced two amendments to a 1976 education appropriations bill in order to prevent public schools from falling into secular error. The first of these dealt specifically with “Man: A Course of Study,” and was heavily influenced by Onalee McGraw’s pamphlet for the Heritage Society. To section 302 (g) of H.R. 12835, the General Education Provisions Act, Conlan added the following amendment: “No grants, contract, or support are authorized under this or any other Act for any purpose in connection with the Man: A Course of Study (MACOS) curriculum program or materials, or in connection with the high school sequel to MACOS, Exploring Human Nature.”8 Conlan argued that MACOS was “a subtle but sophisticated attack on Judaic-Christian values.” The curriculum used examples from many world cultures, some of which seemed to have value systems alien to American Christianity. For example, one unit described certain Netsilik Inuit practices such as wife-stealing and euthanasia as necessary for the Netsilik to survive in the far north of Canada. Conlan and others interpreted the curriculum as asserting a moral equivalency between all value systems, from which he inferred an endorsement of absolute moral relativism. Conlan entered into the record numerous statements from concerned parents, teachers, and conservative activists who raised objections to the content and agenda of the curriculum. Parents in the Wallkill school district in New York protested to their Board of Education that the proposed implementation of MACOS was based on “Humanism... a system of belief which teaches that man is all there is and that there is no God.”9 Although a social studies teacher took pains to explain that humanism and the humanities had nothing to do with belief or unbelief in God, neither the Wallkill parents nor Conlan were buying it. The controversy over MACOS in Wallkill led to the ousting of an incumbent school board member in favor of Donald W. Richter, an outspoken opponent of the new curriculum. The

8 Representative Conlan, speaking on H.R. 12835, on May 11, 1976, 94th Cong., 2nd sess., Congressional Record, 122 pt. 11:13419.
local victory was ammunition for Conlan to use in getting his amendment attached to the House bill, which passed comfortably.

Conlan’s second amendment of the day prohibited “grants, contract, or support ... for any educational program ... involving any aspect of secular humanism unless there is also a fair and equal teaching of the world and life view of Judaic-Christian principles set forth in the Old and New Testaments.”¹ On a second reading, the provision to include the “fair and equal teaching” of Biblical principles was stripped out, although Conlan’s argument hinged on secular humanism’s supposed declaration that there is no God. Again relying on Hugo Black’s footnote in Torcaso v. Watkins, the Congressman defined secular humanism as a religion for the purposes of the law and Constitution. He complained that teachers “advocating a secular humanist view” consistently excluded religious moral perspectives from their lessons, constituting a de facto establishment of the religion of secular humanism rather than harmless “scientific neutralism.” To Conlan, the idea that ethics could be anything other than absolute was an inherently religious belief. Citing Abington v. Schempp, he reminded Congress that the Supreme Court had ruled that the government could not establish a “religion of secularism.” Following Onalee McGraw’s logic, Conlan saw any discussion of ethics divorced from explicitly Christian sources as necessarily, in the words of the Court’s ruling, “affirmatively opposing or showing hostility to religion.” His impassioned arguments notwithstanding, Conlan saw his second amendment that day rejected without even a recorded vote. The entire bill would go on to rejection by the Senate, so his MACOS amendment never gained force of law either.

Senator Orrin Hatch of Utah succeeded in banning federal education funding for “secular humanist” curriculum in one of his amendments to the Education for Economic Security Act in 1984, although what that actually meant, no one was quite sure. Without any grandstanding about the evils of secularism on the Senate floor, he simply inserted a prohibition against grants for magnet schools going toward “courses of instruction the substance of which is secular humanism.”¹¹ With strong bipartisan sponsorship from leaders of both conservative Republicans and liberal democrats, no debate over the provision ensued, and the amendment became part of the education spending law. Indeed, no real understanding of the meaning of the phrase “secular humanism” was

10 Representative Conlan, speaking on H.R. 12851, on May 11, 1976, 94th Cong., 2nd sess., Congressional Record, 122 pt. 11:13427.
11 Amendment 3162 to Education for Economic Security Act, Title V, Sec. 509, on June 6, 1984, 98th Cong., 2nd sess, Congressional Record, 130 pt 11:15027. In the United States, “magnet schools” are public schools that provide specialized curriculum and draw students from beyond typical geographic boundaries.
agreed upon or even discussed at that time. For Senator Daniel Patrick Moynihan of New York, another sponsor of the bill, the Hatch amendment was simply a minor concession to secure 75 million dollars for magnet schools in desegregating districts—the “price [he] had to pay to get school desegregation money.”12 Asked what secular humanism meant, Moynihan said, “I have no idea what secular humanism is. No one knows.” Although he admitted that he might have pushed the issue harder, and that he would be “more aware” if the issue were to come up again, he maintained that “there is much less here than meets the eye.” Hatch acknowledged that he was essentially testing the waters for further legislative action against secular humanism. He described his motivation as being “tired of seeing the dumbing down of textbooks and schools to ignore all reference to religion and patriotic values,” but also said that he “personally didn’t feel very strongly about secular humanism.” Hatch recognized that secular humanism, regardless of its nebulous meaning to Americans, could be used as a wedge to maintain a level of commitment to the idea of America as a Christian nation. Conlan had made the mistake of overstating the threat of secular humanism at a time when it had not yet become a watchword for a politically active religious right. Twelve years later, after the Moral Majority and other conservative Christian organizations had succeeded in imbuing the phrase with a host of negative associations, Hatch had no trouble in passing his prohibition.

The federal Department of Education’s response to the Hatch amendment was to push the responsibility for defining secular humanism to the local school districts, effectively enabling parents to decide that a given curriculum has secular humanist elements and is therefore vulnerable to challenge. Even though the legislation and the Education Department rule only applied to particular earmarked funds for magnet schools, for those primed with an antipathy toward irreligion, the prohibition easily read as blanket federal disapproval of secular humanism. A legal aid to Hatch confirmed this aim of the amendment: “It has put the federal government on record saying that federal funds should not be spent on propagandizing an atheistic philosophy to our kids. If Mr. Lear doesn’t like it, tough noogies.”13

Norman Lear certainly did not like the government taking steps against humanism of any kind, although he considered the idea of an organized secular humanism, a right-wing hoax.14 The television producer and founder of advoca-
cy group People for the American Way had just published an exchange of letters with Ronald Reagan over what he saw as the President’s “endorsement of the so-called Christian Nation movement.”¹⁵ In these letters, a remarkably candid Reagan explained a number of key positions regarding his interpretation of the relationship between religion, the state, and culture. Lear presented Reagan with a selection of quotations from televangelists and senior White House staffers who advocated for what Lear described as a “Christian nation” movement. His evidence included Pat Robertson claiming, “the minute you turn the [Constitution] into the hands of non-Christian people and atheistic people they can use it to destroy the very foundation of our society. And that’s what’s been happening.” He also cited Reagan’s own liaison for religious affairs, Carolyn Sundseth, who had called for “all saved Christians” to pray that her fellow White House staffers “get saved or get out” of government. Reagan suggested that these and other sentiments were not in fact indicative of an aggressive Christian nationalism, but rather defensive reactions to remarks derogatory of religion made in the Humanist, the magazine of the American Humanist Society. Describing statements published by a magazine with only a few thousand subscribers as a threat worthy of panicked action on the part of religious Americans as a whole was characteristic not only of Reagan’s approach to irreligion, but also of the broader conservative Christian movement of the eighties.

5 “I Know It When I See It” Revisited

Today, amid the latest iteration of the “New Atheism” (a term that has emerged several times since the beginning of the twentieth century; see Fazzino and Cragun, this volume, for more on New Atheism), the visibility of atheists, agnostics, humanists, secularists, the nonreligious, and the non-affiliated has reached unparalleled levels. And yet the “I know it when I see it” approach to defining religion is still in ubiquitous use.

Perhaps the best recent example is found in reactions to the Sunday Assembly, a “godless congregation” founded in 2013 by British comedians Sanderson Jones and Pippa Evans, which consciously uses organizational models derived from Christianity, but divested of revealed doctrine or deity (see Smith’s and Frost’s chapters, this volume). The idea of a church-like community that uses a congregational model, but without theistic belief is not new; the Sunday Assembly has its precursors in the Ethical Societies, the 4A, Unitarian Universal-

ism, and even Madalyn Murray O’Hair’s American Atheist Church, all of which used the form of churches without incorporating belief in a god.\textsuperscript{16} None of the early organizations had the benefit of the Internet; the Sunday Assembly has leveraged online communities to seed local communities very effectively. The first meetings of the initial Sunday Assembly group in London got some media attention, but it was when the founders announced a world tour to seed new congregations in November of 2013 that the organization got widespread attention as an “atheist megachurch,” in the words of salon.com reporter Katie Engelhart (Engelhart 2013). As other media outlets took notice, including a widely re-published Associated Press piece, they also picked up on this language, regardless of the fact that the founders intentionally avoided calling their movement either an atheist organization or a church. The “megachurch” label is also a misnomer – all the Sunday Assembly attendees worldwide might fit into one good-sized American mega-church.

And yet the “atheist church” label sticks because, again, we know it when we see it. Observers of the Sunday Assembly see a group with a set of beliefs about humanity and the world, a familiar form of celebration, a peculiar form of reverence, and a community built on local congregations linked in a global body. It fits into the grid. So the Sunday Assembly, like secular humanism, is a disruptive element; it seems to fit the category of religion, but there is cognitive dissonance preventing it from fitting too neatly. Here is something we can learn from colloquial approaches to defining religion: a disruptive element like secular humanism betrays the observer’s biases and shows how tightly intertwined religion is with politics and culture. The interpretation of secular ways of knowing as inherently and necessarily anti-religious or anti-theistic also shows the normative quality of both religiosity and Christianity in American culture. Sometimes it is not politically expedient to call it as one sees it, and in this, the study of nonreligion can help us better understand religion.

\textsuperscript{16} Secularist organizations have also claimed religious status under the law to gain equal footing with religious organizations. See the American Humanist Association’s religious tax exemption (Fazzino and Cragun, this volume) and the Universal Life Church’s authority to perform marriages (Hoesly, this volume) for examples.
Bibliography


