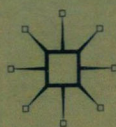


**FUNDAMENTALISM,
POLITICS, AND THE LAW**



Edited by
MARCI A. HAMILTON
AND MARK J. ROZELL



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FUNDAMENTALISM, POLITICS,
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FOREWORD

RELIGIOUS FUNDAMENTALISM AND THE GLOBAL RESURGENCE

John L. Esposito

The resurgence of religion, in particular that form of religious revivalism popularly referred to as “religious fundamentalism,” has had a profound impact on politics and society since the late twentieth century. The resurgence has occurred in all the world’s major religions and across the world, from North America and Latin America to the Middle East and Asia. The reversal of what many had seen as an inexorable process of modernization as secularization signaled the de-secularization of societies, a major challenge in domestic and international politics and society in many parts of the world.

In the Muslim world, from North Africa to Southeast Asia, Islam reemerged as a major force in both political and social development.¹ Iran’s Islamic revolution in 1978–1979 spotlighted a contemporary reassertion of Islam that had actually been occurring for more than a decade in Libya, Egypt, Sudan, Pakistan, Lebanon, and Malaysia.² Radical Islamic movements engaged in a campaign of violence and terror in attempts to destabilize or overthrow governments in the Muslim world. Moderate Islamists, espousing the desecularization or Islamization of society, emerged as major social and political activists.

The challenge of religious and ethnic nationalisms has been evident in South Asia. The conflict between Buddhist Sinhalese and Hindu Tamils in Sri Lanka has spanned decades. India, an ostensibly secular state, experienced multiple communal conflicts that were motivated by the challenge of religious nationalism, from Sikh demands for independence in Punjab to the rise of Hindu nationalism, particularly the militant activities of the BJP, and consequent conflict and violence with Muslims and Christians. Emergent Muslim religious nationalisms in the former Soviet Union in Central Asia have been matched

by new religio-political impulses of the Russian Orthodox Church.³ And in the southern Philippines, Muslim factions have agitated for autonomy from a "Christian dominated" government.

In America, the Christian Right—primarily, but not exclusively, Baptist and Evangelical—emerged in the 1970s and quickly became a significant presence and force in American society, through their cable television channels and programs and their involvement in politics. Robert Grant, Pat Robertson, Jerry Falwell (the Moral Majority), and others became part of a vibrant social and political movement that claimed to champion traditional Christian values. Many emphasize that America is a Christian nation and believe in a literal interpretation of the Bible. The Christian Right movement quickly became a major force in American politics, advocating a conservative political agenda with fundamentalist orientation. Movement leaders and activists have actively endorsed presidential, congressional, and judicial candidates, and promoted and lobbied for a variety of issues and legislation.

RETURN TO THE FUNDAMENTALS: AN IDEOLOGICAL WORLDVIEW

Common to contemporary fundamentalisms is a quest for or reassertion of religious identity, authenticity, and community, and a desire to establish greater meaning and order in both personal life and society. Many have turned or, more precisely, have returned to (been reborn or born again) their religious tradition, reaffirming the relevance of religion not only for the next life but also for this one. Most share a common desire to return to the foundations or cornerstones of faith. They reemphasize the primacy of divine sovereignty and the divine-human covenant, the centrality of faith, and human stewardship. Revivalist movements see religion not simply as a code of belief restricted to private life, but as a total way of life. These movements critique the status quo, often characterized as liberal, left, secularist, or godless and demand substantive reform. Most seek to bring about change from below—to reform, rather than violently overthrow, governments and societies. All reread sacred scripture and look to lives and actions of founders and prophets and to the example of the early faith community. Major religious events are reinterpreted to demonstrate their relevance to modern conditions. The exodus of Jews from Egypt, the crucifixion and resurrection of Jesus, the Muslim *hijra* from Mecca to Medina, and their *jihad* (struggle) against injustice, all are age-old sources for divine guidance and liberation from oppression in the modern world. Thus, for example, revivalists of the three

Abrahamic faiths maybe said to seek, in their views, to re-Islamize, re-Christianize, or re-Judaize their religious communities and societies.

Despite their differences, fundamentalists, for example Christian and Muslim, share common concerns and causes. Their reassertion of traditional values, especially family values, often translates into a reinforcement of patriarchal values. Women, as wife and mother, are the "culture bearers," primarily responsible for the preservation of family and culture. Their pro-family and pro-life agenda emphasize family, sexual, and reproductive issues and values. These include the sanctity of the nuclear family and children; a stand against abortion, gay rights, sex education in public schools, and the teaching of evolution; support for creationism or intelligent design, home schooling, and prayer in schools; and the promotion of faith-based initiatives or social agenda.

The vast majority of fundamentalists do not believe that they are retreating from the world to live in a distant past. Neither do they seek to live in premodern societies bereft of the benefits of modern science and technology. Indeed, modern technology has been harnessed to organize and mobilize mass support, as well as disseminate the message of religion and sociopolitical activism. The widespread use of radio, television, audio and videocassettes, DVDs, computers, fax machines, and the Internet have enabled effective communication nationally and transnationally. Thus, technology and communications have not simply been the purview of modern, secular culture, but rather, of a revitalized and, in some instances, transnational religious culture.

RELIGION AND THE STATE

Although many Muslims and Western governments talk about democracy, self-determination, as understood by the majority of Muslims polled, does not require a separation of church/religion and state. The 2007 Gallup World Poll of Muslims from Morocco to Indonesia found that large Muslim majorities cite the equal importance of Islam and the importance of democracy as critical to the quality of their lives and the future progress of the Muslim world.⁴

The desire for more Islamically oriented states and societies is accompanied by a call for the reimplementation of Shariah, Islamic law. Despite significant differences in interpretation and implementation, Shariah law is generally associated with so-called fundamentalist states such as Saudi Arabia, Sudan, Iran, Pakistan, and Taliban rule in Afghanistan. More surprising was the demand for Shariah that accompanied the drawing up of the new constitutions in post-Saddam Iraq and in post-Taliban Afghanistan. What emerged was the fact that

Muslims in many countries want some form of Shariah in their constitutions. The Gallup World Poll found:

- An overwhelming majority wanted Shariah as a source of law, disagreeing with the statement that the Shariah should have no role in society.
- In most cases, only a minority wanted Shariah as “the only source” of law. Jordan, Egypt and Pakistan represented exceptions where majorities wanted Shariah as the “only source” of legislation.
- Perhaps most surprising is the general absence of any large difference between the responses of males and females supporting Shariah. Among those who said Shariah must be the only source of legislation, there was almost no difference between women and men in all countries. (The one exception was Pakistan where the introduction and especially the application of what were called Shariah laws or regulations have often eroded women’s rights in family law, adultery, and rape cases.) For example, in Jordan 54 percent of men and 55 percent of women want Shariah as the only source. In Egypt, it’s 70 percent of men and 62 percent of women, in Iran, 19 percent of men and 14 percent of women, and in Indonesia, 19 percent of men and 21 percent of women.

Although in the popular mind, Shariah is associated with theocracy, religious or clerical rule, responses to the Gallup poll indicate that desire for Shariah does not translate into a call for a theocracy. A sizeable majority of respondents say they would want religious leaders to play no direct role in

- drafting the country’s constitution,
- writing national legislation,
- drafting new laws,
- determining foreign policy and international relations
- deciding how women dress in public or what is televised or published in newspapers.

The vast majority of those who want Shariah as well as democracy also said they support woman’s rights and agreed with the statement that women should have

- the same legal rights as men (88 percent in Iran; 90 percentile range in Indonesia, Bangladesh, Turkey and Lebanon; 76 percent

in Pakistan; and surprisingly 61 percent in Saudi Arabia) Surprisingly Egypt (61 percent) and Jordan (57 percent), which are generally seen as more liberal, lagged behind Iran, Indonesia, and other countries.

- rights to vote, drive and work outside home: 95 percent in Indonesia, 88 percent in Iran, 76 percent in Pakistan, 90 percent in Bangladesh, 92 percent in Turkey, 61 percent in Saudi Arabia, and 57 percent in Jordan said women should be able to vote without any influence or interference from family members:
- the right to hold any job for which they are qualified outside the home. Indonesia had the highest percentage (90 percent); Iran, Turkey, Bangladesh, Morocco, and Lebanon scored in the 80 percentile range, followed by Egypt (78 percent), Saudi Arabia (69 percent), Pakistan (62 percent), and Jordan (61 percent).
- the right to hold leadership positions at cabinet and national council levels. While majorities supported this statement, Saudi Arabia was the exception (40 percent).

Many in the West, and certainly in America, believe that separation of church and state is integral to democracy. Thus, any talk of the role of religion or of Shariah is seen as antithetical to modern democracy. Yet, in the United States, a Gallup poll taken in 2006 found that a majority of Americans indicated that they want the Bible as a source of law.

- 44 percent say the Bible should be “a” source and 9 percent of Americans believe it should be the “only” source of legislation.
- Perhaps even more surprising, 44 percent of Americans want religious leaders to have a direct role in writing a constitution while 55 percent want them to play no role at all. These findings (numbers) are almost identical to those for Iran!

FUNDAMENTALISM, RELIGIOUS EXTREMISM, AND TERRORISM

The global resurgence of religion has seen radical forms of religion become a primary vehicle for both government and antigovernment legitimization for acts of violence and terror in Algeria, Egypt, Sudan, Indonesia, India, Iran, Israel, Thailand, Uzbekistan, and elsewhere. In many ways, it is what Marxism and radical forms of secular nationalism and socialism were in the past, an ideological alternative to the established order, a form of liberation, resistance, guerrilla warfare, violence, and regional or global terror.

Fundamental to an understanding of the role of religion and its relationship to violence and terrorism is an appreciation of the fact that all religions have both a transcendent and a “dark side.” Religion is about a transcendent (divine, absolute, or ultimate) being or reality. It enables believers or practitioners to achieve levels of self-transcendence. All have been sources of peace and social justice. However, historically, religion has also been used to wage war or suppress dissent.

Modern forms of fundamentalism have their mainstream and extremist, nonviolent and violent forms. I sometimes distinguish between the mainstream Christian Right or Wahhabi Islam with their more exclusivist theologies that are weak on religious pluralism and tolerance (vis-a-vis other faiths as well as alternative theological interpretations or orientations within their own faith tradition) and the militant forms of the Christian Right and Wahhabi Islam with their theologies of hate. While the former do not advocate violence and terror, militants, who transform exclusivist theological worldviews into theologies of hate that legitimate acts of violence and terrorism, can appropriate their theological worldviews.

While all the so-called world religions have a history and track record of religiously legitimated conflicts, violence, and terror, the three monotheistic Abrahamic traditions (Judaism, Christianity, and Islam) have more striking track records than other religious traditions. Their belief in their special revelation and covenant with the one true God, a sacred land or territory, and, in the case of Christianity and Islam, universal mission, have been more prone to exclusivist theologies/worldviews that can be used by political and religious leaders to legitimate imperialist expansion, violence, and terror.

For militant fundamentalists, their theological worldview is not simply an ideological and political alternative but an imperative. Since it is God’s command, implementation must be immediate, not gradual, and the obligation to implement is incumbent on all true believers. Those who remain apolitical or resist—individuals or governments—are no longer regarded as believers but rather as atheists or unbelievers, or enemies of God, against whom all true believers must wage a holy war. Moreover, acts normally forbidden—stealing, murder, and terrorism—are seen as required. They are religiously legitimated in what is portrayed as a cosmic war between good and evil, between the army of God and the forces of Evil/Satan. Militant theologies or ideologies are then used by these unholy warriors to justify blowing up abortion clinics or government buildings, such as the FBI building in Oklahoma City, the Twin Towers of the World

Trade Center, and the Pentagon, and suicide bombings by Muslim extremists in Israel/Palestine and Iraq.

Religiously motivated or legitimated violence and terror adds the dimensions of divine or ultimate authority, religious symbolism, moral justification, motivation and obligation, certitude, and heavenly reward that enhance recruitment and a willingness to fight and die in a sacred struggle. Though not necessary, it certainly is enormously advantageous for religious terrorism to be approved or legitimated in the name of God, often by sacred texts or religious leaders. This has been the case in the past and is certainly the case in modern times, from Yigal Amir, the assassin of Israel's Prime Minister Yitzhak Rabin, to Osama Bin Laden and Indonesia's Jamaat-e-Islami. A sacred text or a statement by a member of a religious hierarchy (pope, ayatollah, chief rabbi) or a religious figure (priest, minister, rabbi, imam, or mufti) enhances legitimacy or the moral justification for actions. Whether these are authentic uses of religion or the hijacking of a religious tradition is a contentious point today. Analogously, even among liberal mainstream believers, there is a tendency to feel more secure when a religious figure or member of the clergy endorses the position of a "lay" leader or theologian, however prominent.

Understanding the relationship of religion to politics and society, domestic and global, remains critical in the twenty-first century. All current indices indicate that for the foreseeable future in many parts of the world, religion will continue to be a significant presence and force in identity politics. Religion remains a source of identity, values, and morality in America and many parts of the world. Religious fundamentalisms impact domestic politics and issues of gender equality, family, sexuality and reproductive rights, education, social welfare, and foreign policy. At the same time, religion in the hands of extremists and terrorists remains a serious threat to stability and security in America, Europe, and other parts of the world.

NOTES

1. For comprehensive coverage of the role of Islam in modern social and political development, see *The Oxford Encyclopedia of the Islamic World*, ed. John L. Esposito (New York: Oxford University Press, 2009).
2. John L. Esposito, *The Future of Islam* (New York: Oxford University Press, 2010); John L. Esposito et. al, *Asian Islam in the 21st Century* (New York: Oxford University Press, 2007); Graham Fuller, *The Future of Political Islam* (New York: Palgrave Macmillan, 2004); John O. Voll, *Islam: Continuity and Change in the Muslim World* (Syracuse,

NY: Syracuse University Press, 1995); and Fred R. von der Mehden, *Religion and Modernization in Southeast Asia* (Syracuse, NY: Syracuse University Press, 1986).

3. For an attempt at a global perspective on religious fundamentalism, see the multiple volumes edited by Martin E. Marty and R. Scott Appleby published by the University of Chicago Press, beginning with the first volume *Fundamentalisms Observed* (Chicago: University of Chicago Press, 1991). See also Karen Armstrong, *The Battle for God* (New York: Ballantine Books, 2001); and Mark Juergensmeyer, *Terror in the Mind of God: The Global Rise of Religious Violence*, 3rd ed. (Berkeley: University of California Press, 2003).
4. The discussion of Gallup World data comes from John L. Esposito and Dalia Mogahed, *Who Speaks for Islam? What a Billion Muslims Really Think* (New York: Gallup Press, 2008).

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INTRODUCTION



FUNDAMENTALISM, POLITICS, LAW

Marci A. Hamilton and Mark J. Rozell

There was a spate of academic literature in the 1980s and 1990s that examined the rise of religious fundamentalism in the United States. Much of the literature was a reaction to the Moral Majority's entrance into the political sphere in 1979, which energized a wave of political movements, including those that were anti-abortion rights, anti-evolution, and anti-secularism. The focus of the scholarship at that time was on the emergence and growing influence of the largely fundamentalist Protestant-led Christian Right.

In the latter part of the twentieth century, during the Bill Clinton Administration, interest in the rise of fundamentalist movements somewhat waned. By the end of the Clinton era, some observers of the Christian Right speculated about the ultimate demise of the movement. Even some movement leaders, such as Paul Weyrich, talked openly about whether Christian conservatives should withdraw from politics altogether. Yet the election of George W. Bush as president in 2000 triggered renewed interest in the influence of the Christian Right and fundamentalist activism in U.S. national politics. And then with the events of September 11, 2001, fundamentalist religious beliefs—this time Islamic—demanded front-page attention.

Throughout the George W. Bush era there was intensified interest in the topics of Christian Right political activism in the United States and the growing impact of Islamic movements around much of the world. Domestically and abroad, it appeared that the rising impact of religious fundamentalism was inflaming increasingly heated debates and controversies. Although President Barack Obama has spoken

forcefully about the need to overcome religious divisions both within the United States and in the nation's foreign relations, there remain entrenched fundamentalist movements that work strongly against such efforts to build bridges between peoples.

This volume provides students and scholars with a collection of essays documenting and responding to the modern rise of fundamentalist movements in politics and law. The term "fundamentalism," although controversial in some sectors, is widely used in academic and common discourse. The *American Heritage Dictionary of the English Language* (4th edition) defines fundamentalism as "a usually religious movement or point of view characterized by a return to fundamental principles, by rigid adherence to those principles, and often by intolerance of other views and opposition to secularism." Every religion (and every political leaning) has its fundamentalist branches, which have a "basic principle" that religious belief trumps secular law, or the rigidity of the belief structure makes it difficult for the believer to comfortably live with competing laws. Public figures such as former president Jimmy Carter, journalist and best-selling author Thomas Friedman, and leading scholars such as John L. Esposito in this volume, posit that fundamentalism is on the ascendancy worldwide now in the early part of the twenty-first century.

It is thus an important time to study the phenomenon of fundamentalism. In the United States, the Christian fundamentalist political movements that mobilized into political action in the 1970s and 1980s are now interwoven into our political fabric. Enough time has passed for distinguished scholars to investigate the historical and political development of these movements and to analyze them. There is much in this collection to mull over, consider, and debate. The chapters are intended to spur a lively discourse among students, scholars, and anyone else who is interested in religion and public policy. As with all good debates about religion, this collection brings to bear a wide variety of approaches and views. The collection is comprised of chapters that are written by highly respected scholars of political science, sociology, religion, and law.

The very use of the word "fundamentalism" sometimes precipitates heated debate. Some observers are quick to assume that the term is intended as a pejorative rather than a description. The Christian Right's political battles since the 1980s have tarred the term "fundamentalism" to some degree, and, therefore, some, especially in the movement, might prefer "literalist" (or some other word). Yet the introduction of new terms will not lend more clarity to our analysis or reduce the inevitable contentiousness surrounding these

issues. In this case, “fundamentalism” remains the best term for the phenomenon described and analyzed in these chapters. Part of the sensitivity to the term arises from the general cultural taboo of talking negatively about religion, or merely just being perceived in any way as negative toward religion, which was the primary subject of Professor Hamilton’s book, *God vs. the Gavel: Religion and the Rule of Law*.¹

Indeed, at times there has been a dearth of frank and honest discussion about religion in the United States, though there has been a wave of *anti*-religion books published recently, such as Sam Harris’s *The End of Faith: Religion, Terror, and the Future of Reason*,² Richard Dawkins’s *The God Delusion*,³ and Christopher Hitchens’s *God Is Not Great: How Religion Poisons Everything*.⁴ These provocative books have directed substantial public attention to controversies surrounding the role of religion in contemporary society. But they have also taken the discussion off-track, because history makes clear that religion is an immovable aspect of human existence. Better that we speak truthfully about it than that we delude ourselves into believing that it can be or ever will be discarded.

Beyond these anti-religion publications, most media and individuals in the United States continue to be overly sensitive about the subject of religion in just about every context, as though it would wither away if a spotlight were shone on it. Instead of candid talk about religion, we cycle between set positions and sound bites without arriving closer to the truth. This collection is intended to bring more light to some admittedly thorny issues in U.S. culture.

The scholars were chosen for their distinguished reputations and their previous, important contributions to the related literature, without reference to politics, and certainly not to obtain a certain or perfect balance of viewpoints in the end product. The chapters speak for themselves, and while a collection can always be faulted for what it may not include, this volume is rich with cutting-edge ideas, empirical research, and data. Therefore, the reader is intended to leave with more questions than she had when she first opened the volume.

The chapters in this volume are divided into two major sections: the first on U.S. Protestant fundamentalism and the second on fundamentalism in several of the other major religious traditions (Islam, Judaism, Mormonism, and Catholicism). The overall collection is not intended to be a comprehensive treatment of contemporary controversies over religious fundamentalism in politics and law, but rather representative and instructive on a number of key topics. We encouraged the contributors to give voice to their own informed views on the controversial subjects they have addressed here. If in so doing