

Winter 11-30-2023

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Recommended Citation

Elizabeth A. Clark, *The Impact of Religion and Religious Organizations*, 49 *BYU L. Rev.* 1 (2023).
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The Impact of Religion and Religious Organizations

Elizabeth A. Clark*

Legal scholars often see religion as a mere private preference, choice, value, or identity with no more meaning or positive social impact than any other preference, choice, value, or identity. If anything, religion's negative impacts are often highlighted. For example, a focus on the harms of religion often underlies contemporary legal debates about religious exemptions and tensions between religious rights and LGBTQ rights or reproductive rights. Conversely, scholars in other fields have documented religion's distinctive pro-social features, proposing mechanisms by which religion has unique positive impacts on individuals, families, and society. While recognizing that, for its practitioners, religion has its own internal logic and rationales, this Article seeks to bring together broad empirical research and sociological and political theory on the social goods and pro-social values that religious belief, practice, and communities foster as well as to examine approaches to address the harms religion causes. The Article proposes religious freedom as a key mechanism to ensure maximal social benefit of religion. Religious freedom also underscores the value of the choice and experience of belief and unbelief.

* International Center for Law and Religion Studies, J. Reuben Clark Law School, Brigham Young University and Member, Advisory Panel for Freedom of Religion and Belief, Office for Democratic Institutions and Human Rights, Organization for Security and Co-operation in Europe.

CONTENTS

INTRODUCTION	2
I. POSITIVE SOCIAL NORMS AND INDIVIDUAL AND FAMILY WELL-BEING	5
A. Well-Being, Health, and Life Satisfaction.....	6
B. Criminality and Rehabilitation	11
C. Adolescent Behavior.....	14
D. Family Life	16
II. BENEFITS OF RELIGION AT THE SOCIETAL LEVEL.....	19
A. Social Capital	20
B. Communal Obligations, Charitable Giving, and Social Justice	24
C. Social Norms and Liberal Democracy's Limitations	29
D. Peacebuilding	32
III. BAD RELIGION AND RELIGIOUS FREEDOM	36
IV. CONCLUSION: THE EXTRINSIC AND NON-EXTRINSIC VALUE OF RELIGION	41

INTRODUCTION

Religious affiliation has been dropping significantly in recent years.¹ The social goods religion brings to individuals and society are no longer taken for granted. This challenge brings with it an often-overlooked benefit: the chance to reflect on and articulate the social goods religion and religious organizations bring to society. Legal scholars often see religion as a mere private preference, choice, value, or an identity with no more meaning or social impact than any other preference, choice, value, or identity.² For example,

1. See Jeffrey M. Jones, *U.S. Church Membership Falls Below Majority for First Time*, GALLUP (Mar. 29, 2021), <https://news.gallup.com/poll/341963/church-membership-falls-below-majority-first-time.aspx>.

2. In the world of the legal academy, this is often raised as the issue of whether religion is "special." See, e.g., MARCI HAMILTON, *GOD VS. THE GAVEL: RELIGION AND THE RULE OF LAW* (2005); Christopher L. Eisgruber & Lawrence G. Sager, *The Vulnerability of Conscience: The Constitutional Basis for Protecting Religious Conduct*, 61 U. CHI. L. REV. 1245, 1315 (1994); Frederick M. Gedicks, *An Unfirm Foundation: The Regrettable Indefensibility of Religious Exemptions*, 20 U. ARK. LITTLE ROCK L. REV. 555 (1998); Stephen Gey, *Why Is Religion Special?: Reconsidering the Accommodation of Religion Under the Religion Clauses of the First Amendment*, 52 U. PITT. L. REV. 75 (1990); Kent Greenawalt, *Fundamental Questions About the Religion Clauses: Reflections on Some Critiques*, 47 SAN DIEGO L. REV. 1131 (2010); Marci A. Hamilton, *The Waterloo for the So-Called Church Autonomy Theory: Widespread Clergy Abuse and Institutional Cover-up*, 29 CARDOZO L. REV. 225 (2007-08); Andrew Koppelman, *Is it Fair to Give Religion Special Treatment?*, 2006 U. ILL. L. REV. 571 (2006); William P. Marshall, *Truth and the Religion Clauses*, 43 DEPAUL L. REV. 243 (1993-94); William Marshall, *In Defense of Smith and Free Exercise Revisionism*, 58 U. CHI. L. REV. 308 (1991); Michael W. McConnell, *Why Is*

assumptions about the harms of religion often undergird contemporary legal debates over conflicts between religious and LGBTQ rights, reproductive rights, or religious exemptions generally.³ Conversely, scholars in other fields have documented religion's distinctive features, proposing mechanisms by which religion has unique impacts on society.

This Article is an initial effort to bring together recent, wide-ranging empirical research along with sociological and political theory concerning the social goods and prosocial values that religious belief, practice, and community foster. For its practitioners, religion has its own internal logic and rationales. But I hope to re-energize a discussion in the legal world about the social benefits of religion and account for some of religion's most significant contributions to the stability, peace, and justice of a society.

Knowledge and documentation regarding the value of civil society have grown extensively over the last three to four decades.⁴ Although a few attempts have already been made on the religious front to understand the often-parallel, positive role of religion in society, in this Article, I bring together more recent work and explore questions of political and sociological theory that suggest explanations for how religion brings about these prosocial

Religious Liberty the "First Freedom"?, 21 CARDOZO L. REV. 1243 (1999-2000); Micah Schwartzman, *What If Religion Is Not Special?*, 79 U. CHI. L. REV. (2013); Suzanna Sherry, *Lee v. Weisman: Paradox Redux*, 1992 SUP. CT. REV. 123. *But see* Joshua Mitchell, *Religion Is Not a Preference*, 69 J. POL. 351 (2007) (arguing for the philosophical incoherence of describing religion as merely a choice, preference, value, or identity).

3. *See, e.g., Reframing the Harm: Religious Exemptions and Third-Party Harm After Little Sisters: Developments in the Law*, 134 HARV. L. REV. 2186 (2021); Frederick Mark Gedicks & Rebecca G. Van Tassell, *RFRA Exemptions from the Contraception Mandate: An Unconstitutional Accommodation of Religion*, 49 HARV. C.R.-C.L. L. REV. 343 (2014); BRIAN LEITER, WHY TOLERATE RELIGION? (2012); IRA C. LUPU & ROBERT W. TUTTLE, SECULAR GOVERNMENT, RELIGIOUS PEOPLE 236 (2014); Michael McConnell, *Why Protect Religious Freedom?*, 123 YALE L.J. 770 (2013); Douglas NeJaime & Reva Siegel, *Conscience Wars in Transnational Perspective: Religious Liberty, Third-Party Harm, and Pluralism*, in THE CONSCIENCE WARS: RETHINKING THE BALANCE BETWEEN RELIGION, IDENTITY, AND EQUALITY 187, 190 (Susanna Mancini & Michel Rosenfeld eds., 2018); Nelson Tebbe, Micah Schwartzman & Richard Schragger, *How Much May Religious Accommodations Burden Others?*, in LAW, RELIGION, AND HEALTH IN THE UNITED STATES 215, 215-29 (Holly Fernandez Lynch, I. Glenn Cohen & Elizabeth Sepper eds., 2017).

4. Research has recognized the important contributions civil society institutions bring to communities and countries. While bracketing the question of whether religion can or should be identified as part of civil society, I would argue that empirical research and contemporary theory suggest that, like civil society, religious belief and organizations serve crucial prosocial functions. For a discussion of the value of civil society see, for example, JEFFREY C. ALEXANDER, THE CIVIL SPHERE (2006); RICHARD JOHN NEUHAUS, THE NAKED PUBLIC SQUARE (1984); ADAM SELIGMAN, THE IDEA OF CIVIL SOCIETY (1995).

outcomes.⁵ Additionally, I address the negative impacts of religion and the value of religious freedom as a method of limiting potential negative effects. This holistic and updated view of the contribution of religion and religious organizations to society can provide important background to legal discussions of the significance of religious freedom, the role of religion in public life, and the value or harms of religion.

In this Article I document how religious belief, values, practice, and membership improve individual and family well-being. The impact of religion also extends more broadly to society as a whole by developing social capital, engaging in charitable and social justice work, establishing social norms that support liberal democracy, and serving peacebuilding functions. I also suggest mechanisms proposed by various theorists and social scientists that explain why religion has such a powerful influence. Evidence for the value of religion can be found across a range of fields of study, such as evolutionary biology, political philosophy, sociology, psychology, political science, economics, and history.

Religion has the power to be an enormous force for individual and societal good. I recognize, however, that religion is inherently ambivalent⁶ and carries the potential for harm as well as good. The increased social solidarity that religion brings can be used by individuals or groups to facilitate or ignore injustice. The social power of norms taught by religious organizations can be used to justify or persuade individuals to engage in discrimination or violence. The research cited throughout the paper indicates that these negative outcomes are not typical of the religious experience in the United States—religion is overwhelmingly associated with individual well-being and flourishing families and communities.

Research shows that the potential negative impact of religion is particularly accentuated in regimes that foster religious

5. Rodney Stark has amassed a significant set of very valuable research on the positive social goods of religion to individuals and families. RODNEY STARK, *AMERICA'S BLESSINGS: HOW RELIGION BENEFITS EVERYONE, INCLUDING ATHEISTS* (2012). Putnam and Campbell's *American Grace* and Robert Wuthnow's *Why Religion Is Good for American Democracy* also add thoughtful and important research as to the positive social goods religion provides in America and for American democracy. ROBERT D. PUTNAM & DAVID E. CAMPBELL, *AMERICAN GRACE: HOW RELIGION DIVIDES AND UNITES US* (2010); ROBERT WUTHNOW, *WHY RELIGION IS GOOD FOR AMERICAN DEMOCRACY* (2021).

6. See generally R. SCOTT APPLEBY, *THE AMBIVALENCE OF THE SACRED: RELIGION, VIOLENCE, AND RECONCILIATION* (1999).

persecution, suggesting the importance of religious freedom and pluralism. The absence of religious freedom is also highly correlated with war, terrorism, lack of democracy, and repression of heterodox beliefs. Nevertheless, I recognize that tragic uses of religion are found even in liberal democratic systems. In my conclusion, I argue that religious freedom, which always includes outside limits on religious behavior, is a crucial element in tapping religion's potential for good while limiting the possibilities of harm.

Evolutionary biologist Jonathan Haidt argues that religion's ability to bind people together can make it an accessory to atrocities but also argues that our moralistic minds that make religion possible are a key part of our evolutionary success.⁷ In this Article, I identify how religion contributes to this success in individuals, families, and societies. In Part I, I examine religion's impact on individual well-being, physical and mental health, and life satisfaction as well as its impact on criminality, rehabilitation, adolescent behavior, and family life. In Part II, I address the impact of religion and religious organizations at the societal level, exploring how religion builds social capital, creates communal obligations, bolsters joint charitable and social justice projects, establishes social norms, compensates for liberal democracy's limitations, and fosters peacebuilding. In Part III, I turn to the question of negative and anti-social potential of religion and the value of religious freedom in limiting this potential harm. I conclude in Part IV and return to the question of religion's internal value.

I. POSITIVE SOCIAL NORMS AND INDIVIDUAL AND FAMILY WELL-BEING

Religion is extensively documented to have a positive effect on individuals' well-being and health. This includes a sense of well-being, life satisfaction, mental health, and physical health levels, including lowered suicide rates and deaths of despair. Scholars propose multiple alternate explanations for this tied to the value of the beliefs themselves, the influence of regularly meeting with others and intra-religious support, the power of joint ritual activity, the role of a strong religious identity, and the impact of charitable giving.

7. JONATHAN HAIDT, *THE RIGHTEOUS MIND: WHY GOOD PEOPLE ARE DIVIDED BY POLITICS AND RELIGION* 269 (2012).

Religion's impact on individuals goes beyond health and well-being, however. Religiosity is correlated with reduced criminality and appears to compensate for factors that normally correlate with illegal behavior. Religion also is correlated with lower recidivism rates and fewer disciplinary problems in prison. Religion-based programs in prison have been shown to reduce recidivism and attract more participants than other personal enhancement programs in prisons.

The impact of religion in individuals is particularly noticeable in adolescents. Positive correlations with religiosity include physical and mental health, academic achievements, and community involvement. Frequent attenders at religious services engage in fewer risky behaviors such as illegal drug and alcohol use. The impact on youth is especially notable in working-class families – one study found that those who were involved in their religion and strongly believed in God were twice as likely to go on to earn bachelor's degrees.

Sociologists explain the impact on individuals as going beyond stigmatizing negative behaviors. Instead, many point to the value of self-control, accountability, role models, establishing moral norms, developing leadership and coping skills, and building social ties, to name only a few.

Religion benefits not only individuals, but also family life. Religion leads to lower divorce rates, higher satisfaction in marriage, more satisfying sexual relationships, and less marital conflict. Religious views of parenting lead to less self-reported verbal aggression with children and higher quality relationships between mothers and children.

A. Well-Being, Health, and Life Satisfaction

A plethora of research connects religious belief, membership, and practice with greater well-being and life satisfaction.⁸ Well-being and life satisfaction have been measured using a variety

8. For overviews, see Christopher G. Ellison, *Religious Involvement and Subjective Well-Being*, 32 J. HEALTH & SOC. BEHAV. 80-99 (1991); Harold G. Koenig, *Religion, Spirituality, and Health: The Research and Clinical Implications*, ISRN PSYCHIATRY (Dec. 16, 2012), <https://www.hindawi.com/journals/isrn/2012/278730>; Michael Lipka, *How Highly Religious Americans' Lives Are Different from Others*, PEW RSCH. CTR. (Apr. 12, 2016), <https://www.pewresearch.org/fact-tank/2016/04/12/how-highly-religious-americans-lives-are-different-from-others>.

of rubrics, but all correlate positively with religious belief and practice. The Pew Research Center, for example, in a 2019 study of twenty-five countries found that actively religious individuals are more likely to describe themselves as very happy, even controlling for age, gender, education, and marital status.⁹ The current edge of research is to break down these general findings to see what aspects of religion are key to influencing life satisfaction. Some scholars look at the value of the beliefs themselves. They suggest that religion provides “psychological insurance”¹⁰ for individuals or a “stress buffering”¹¹ to help in coping with adverse circumstances.¹²

Other scholars cast their nets more broadly. Ferris, for example, suggests a few reasons that religiosity may be connected with quality of life because

our conception of the “good life” rests heavily upon Judeo-Christian ideals; religious organizations contribute to the integration of the community, hence enhancing the [quality of life]; since frequency of attendance is imperfectly associated with the [quality of life], other influences are at work; the doctrine of the religion may attract persons of happy dispositions; religion may explain a purpose in life that fosters well-being; and others.¹³

Haller and Hadler suggest four reasons why religiosity may affect happiness: (1) religion provides explanations for hardship; (2) there are significant, communal rituals associated with life events and transitions, giving them more meaning; (3) a religious social safety net provides support in tough times; and (4) assurance through belief in God that man’s existence and destiny depend on

9. PEW RSCH. CTR., RELIGION’S RELATIONSHIP TO HAPPINESS, CIVIC ENGAGEMENT, AND HEALTH AROUND THE WORLD (2019) [hereinafter RELIGION’S RELATIONSHIP TO HAPPINESS], <https://www.pewresearch.org/religion/2019/01/31/religions-relationship-to-happiness-civic-engagement-and-health-around-the-world>.

10. Carol Graham & Sarah Crown, *Religion and Wellbeing Around the World: Social Purpose, Social Time, or Social Insurance?*, 4 INT’L J. WELLBEING 1 (2014).

11. Scott Schieman, Alex Bierman & Christopher G. Ellison, *Religion and Mental Health*, in HANDBOOK OF THE SOCIOLOGY OF MENTAL HEALTH 457 (Carol S. Aneshensel et al. eds., 2d ed. 2013).

12. See also HAROLD G. KOENIG, DANA E. KING & VERNA BENNER CARSON, HANDBOOK OF RELIGION AND HEALTH (2d ed. 2012).

13. Abbott L. Ferriss, *Religion and the Quality of Life*, 3 J. HAPPINESS STUD. 199 (2002).

a god.¹⁴ Citing Durkheim, they also argue that religion fosters altruism and combats “excessive individualism.”¹⁵

Another approach explores religion’s connection with creating meaning and improving mental health. Recent research demonstrates that those having a stronger sense of meaning in life experience greater life satisfaction, self-esteem, positive emotion, and optimism.¹⁶ Individuals who report more experiences with the sacred also have increased levels of mental health.¹⁷ Building on these links between religious experiences and well-being, a 2020 study found that individuals who participate in individual and home-based religious practices experience greater meaningfulness in life and are more likely to enjoy an “extremely happy” level of overall life happiness and “feel God’s love for [them]” on a daily basis.¹⁸

Recently however, the majority of researchers have focused on the value provided by gathering in faith communities, whether just being together or specifically participating in ritual behavior. Khushbeen Kaur Sohi looked at Sikh communities, for example, and found that the ability to practice rituals and the frequency of ritual participation were positively correlated to social well-being and sense of community.¹⁹ Christos Makridis, Byron Johnson, and Harold Koenig studied life satisfaction and local employment trends and found that active Christians’ life satisfaction ratings were countercyclical (positive even during times of local unemployment), unlike that of theists with some religious affiliation.²⁰ Chaeyoon Lim

14. Max Haller & Markus Hadler, *How Social Relations and Structures Can Produce Happiness and Unhappiness: An International Comparative Analysis*, 75 SOC. INDICATORS RES. 169, 190 (2006).

15. *Id.* at 179.

16. Michael F. Steger, *Meaning in Life and Wellbeing*, in WELLBEING, RECOVERY AND MENTAL HEALTH 75 (Slade et al. eds., 2017).

17. Gina Magyar-Russell, Kenneth I. Pargament, Joshua B. Grubbs, Joshua A. Wilt & Julie J. Exline, *The Experience of Sacred Moments and Mental Health Benefits Over Time*, 14 PSYCH. RELIGION & SPIRITUALITY 161 (2022).

18. JASON S. CARROLL, SPENCER L. JAMES & HAL BOYD, WHEATLEY INST., BRIGHAM YOUNG U., RELIGION IN THE HOME: DO INDIVIDUALS AND COUPLES BENEFIT FROM HOME-BASED RELIGIOUS PRACTICES? (2020), <https://wheatley.byu.edu/wp-content/uploads/2020/10/Religion-in-the-Home10.13.20.pdf>.

19. Khushbeen Kaur Sohi, *Ritual Participation, Sense of Community, and Social Well-Being: A Study of Seva in the Sikh Community*, 57 J. RELIGION & HEALTH 2066 (2018).

20. Christos Makridis, Byron Johnson & Harold Koenig, *Does Religious Affiliation Protect People’s Well-Being? Evidence from the Great Recession After Correcting for Selection Effects*

and Robert Putnam in 2010 similarly documented the power of religious engagement and identity combined.²¹ They identified worship service attendance and congregational friendship as the driving factor of life satisfaction for those with strong religious identities. “Among respondents with large numbers of congregational friends, those with strong religious identities are almost twice as likely to say that they are ‘extremely’ satisfied than are individuals without a strong religious identity.”²²

Religious attitudes, practices, and membership are not just correlated with life satisfaction. They are also tied to overall physical and mental health.²³ Regular attenders have thirty-three percent reduced risk of death, eighty-four percent reduced risk of suicide, twenty-nine percent reduced risk of depression, sixty-eight percent reduced risks of “deaths of despair” for women, and thirty-three percent reduced risks of “deaths of despair” for men. It has been argued that this is the case because religious attendance provides a network of social support, offers clear moral guidance, and creates relationships of accountability to reinforce positive behavior.²⁴ Frequent attendance at religious services’ correlation with lower mortality rates²⁵ has also been explained as reflecting improved health practices, increased social contacts, and more stable marriages.²⁶ Research on specific health outcomes beyond those mentioned, like obesity or exercise, however, has been mixed on results.²⁷

(last revised July 15, 2020) (unpublished manuscript) (available at <https://ssrn.com/abstract=3429422>).

21. Chaeyoon Lim & Robert Putnam, *Religion, Social Networks, and Life Satisfaction*, 75 AM. SOC. REV. 914 (2010).

22. *Id.* at 923.

23. Tyler J. VanderWeele & Brendan Case, *Empty Pews Are an American Public Health Crisis*, CHRISTIANITY TODAY (Oct. 19, 2021), <https://www.christianitytoday.com/ct/2021/november/church-empty-pews-are-american-public-health-crisis.html>.

24. *Id.*

25. Robert A. Hummer, Richard G. Rogers, Charles B. Nam & Christopher G. Ellison, *Religious Involvement and U.S. Adult Mortality*, 36 DEMOGRAPHY 273 (1999).

26. William J. Strawbridge, Richard D. Cohen, Sarah J. Shema & George A. Kaplan, *Frequent Attendance at Religious Services and Mortality over 28 Years*, 87 AM. J. PUB. HEALTH 957 (1997).

27. RELIGION’S RELATIONSHIP TO HAPPINESS, *supra* note 9; PEW RSCH. CTR., RELIGION IN EVERYDAY LIFE (Apr. 12, 2016), <https://www.pewresearch.org/religion/2016/04/12/religion-in-everyday-life>.

Religious involvement can also help address the epidemic of loneliness.²⁸ Confirming four other studies about faith community involvement, Gabrielle Nicole Pfund studied college students and found that “faith community involvement, life purpose, and well-being [are] positively correlated with each other and negatively correlated with loneliness.”²⁹ Her 2019 work zeroed in on the importance of faith community harmony: “Faith community harmony, but not faith community interaction, was a significant predictor of well-being, suggesting the importance that a sense of belongingness has within a faith community for well-being, rather than participation in a faith community more generally.”³⁰

Beyond direct relationships between life satisfaction and faith and participation in faith communities, scholars have also seen positive effects in life success from specific religious beliefs, practices, and membership. People who frequently attend church meetings are more likely to achieve academically, attend college, maintain a job that is considered prestigious, and own a home. They are less likely to experience economic hardship.³¹

Arthur Brooks notes the ties with charitable giving. He explains that “[p]eople who give to charity are 43 percent more likely than people who don’t give to say they’re very happy people.” He then cites the following figures:

The number-one characteristic of those who give in this country is that they practice a faith. Of people who practice their faith regularly – which is to say, they attend worship services every

28. See *infra* text accompanying notes 161–63.

29. Gabrielle Nicole Pfund & Cindy Miller-Perrin, *Interaction and Harmony in Faith Communities: Predicting Life Purpose, Loneliness, and Well-Being Among College Students*, 20 J. COLLEGE & CHARACTER 234, 248 (2019) (citing Margareth Bondevik & Anders Skogstad, *Loneliness, Religiousness, and Purpose in Life in the Oldest Old*, 11 J. RELIGIOUS GERONTOLOGY 5 (2000); Angeliki Leondari & Vasilios Gialamas, *Religiosity and Psychological Well-Being*, 44 INT’L J. PSYCH. 241 (2009); Ruth A. Tanyi & Joan S. Werner, *Spirituality in African American and Caucasian Women with End-Stage Renal Disease on Hemodialysis Treatment*, 28 HEALTHCARE FOR WOMEN INT’L 141 (2007); Siu-Ming To, *Loneliness, the Search for Meaning, and the Psychological Well-Being of Economically Disadvantaged Chinese Adolescents Living in Hong Kong: Implications for Life Skills and Development Programs*, 71 CHIL. & YOUTH SERVS. REV. 52 (2016)).

30. Gabrielle Nicole Pfund & Cindy Miller-Perrin, *supra* note 29, at 248.

31. STARK, *supra* note 5, at 133–46.

week—91 percent give to charity each year. Of people who don't attend every week, 66 percent do.³²

Krause instead focuses on the religious practices of humility and the social relationships arising from religious institutions.³³ He argues that increased participation in worship service is positively correlated to spiritual support, which in turn promotes humility, forgiveness, greater sense of meaning in life, and subsequently better self-rated health. Krause asserts that informal channels, such as spiritual support, play a larger role than formal channels alone like worship service attendance, and notes that people who are "more forgiving and who are more humble tend to rate their health in a more favorable manner."³⁴

The breadth of research on religion and health, well-being, and life satisfaction is quite amazing. Whether these benefits stem from the beliefs themselves, the social aspects of gathering together, faith community harmony, or from the generosity and humility generated by all of these, the extensively researched data that religious belief and action are so deeply tied to health and happiness are remarkable. The image of religion as "the haunting fear that someone, somewhere may be happy,"³⁵ while pithy and humorous, seems little based in reality.

B. Criminality and Rehabilitation

Religious behavior has also been tied to decreases in a variety of criminal acts.³⁶ For example, regular religious attendance is

32. Arthur C. Brooks, Address at the Brigham Young University Forum, *Why Giving Matters* (Feb. 24, 2009), <https://speeches.byu.edu/talks/arthur-c-brooks/giving-matters-2>; see also Peter Dobkin Hall, *Religion, Philanthropy, Service, and Civic Engagement in Twentieth-Century America*, in *GIFTS OF TIME AND MONEY* 159 (Arthur C. Brooks ed., 2005). Religious individuals also donate more specifically to non-religious causes than do non-religious individuals. See *infra* note 93.

33. Neal Krause, *Assessing the Relationships Among Religion, Humility, Forgiveness, and Self-Rated Health*, 15 RES. HUM. DEV. 33 (2018).

34. *Id.* at 45.

35. H.L. Mencken & George Jean Nathan, *Clinical Notes*, 4 AM. MERCURY Jan. 1925, at 56, 59 (describing Puritanism).

36. T. David Evans, Francis T. Cullen, R. Gregory Dunaway & Velmer S. Burton Jr., *Religion and Crime Reexamined: The Impact of Religion, Secular Controls, and Social Ecology on Adult Criminality*, 33 CRIMINOLOGY 195 (1995); Colin J. Baier & Bradley R.E. Wright, "If You Love Me, Keep My Commandments": A Meta-analysis of the Effect of Religion on Crime, 38 J. RES. CRIME & DELINQUENCY 3 (2001).

inversely correlated with domestic abuse.³⁷ Religiosity appears to protect individuals from the negative effects of living in underprivileged areas³⁸ and other factors that are correlated with illegal behavior.³⁹ Byron R. Johnson and Curtis S. Schroeder argue that “[t]he beneficial relationship between religion and crime reduction is not simply a function of religion’s constraining function or what it discourages (e.g., opposing drug use or delinquent behavior) but also a matter of what it encourages (e.g., promoting prosocial behaviors).”⁴⁰ Religion can build positive social linkages, spirituality, service, honesty, and the identity transformation sought after in “positive criminology.”⁴¹ An in-depth study of 2,200 inmates at the Angola prison in Louisiana – known as the “bloodiest prison in America”⁴² – described an initiative to establish a Bible College and train prisoners, many serving life without parole, to serve as inmate ministers. The study documented the process of identity transformation and “found significant linkages between participation in the prison seminary and inmate-led churches [and fewer] disciplinary convictions, crime desistance, rehabilitation, and prosocial behavior within the prison environment.”⁴³

Religion is also associated with lower rates of recidivism, a metric that is notoriously stubborn. Research shows that

37. Christopher G. Ellison, John P. Bartkowski & Kristin L. Anderson, *Are There Religious Variations in Domestic Violence?*, 20 J. FAM. ISSUES 87 (1999).

38. Marvin D. Krohn & Terrence P. Thornberry, *Network Theory: A Model for Understanding Drug Abuse Among African-American and Hispanic Youth*, in NAT’L INST. ON DRUG ABUSE, DRUG ABUSE AMONG MINORITY YOUTH: ADVANCES IN RESEARCH AND METHODOLOGY 102 (Mario R. De La Rosa & Juan-Luis Reco Adrados eds., NIDA Research Monograph 130, 1993).

39. BYRON R. JOHNSON, RALPH BRETT TOMPKINS & DEREK WEBB, CTR. FOR RSCH. ON RELIGION & URB. CIV. SOC’Y, OBJECTIVE HOPE – ASSESSING THE EFFECTIVENESS OF RELIGION AND FAITH-BASED ORGANIZATIONS: A SYSTEMATIC REVIEW OF THE LITERATURE (2006), https://media4.manhattan-institute.org/pdf/crrucs_objective_hope.pdf; BYRON R. JOHNSON & MARC B. SIEGEL, BAYLOR INST. FOR THE STUDIES OF RELIGION, THE GREAT ESCAPE: HOW RELIGION ALTERS THE DELINQUENT BEHAVIOR OF HIGH-RISK ADOLESCENTS (2006).

40. Byron R. Johnson & Curtis S. Schroeder, *Religion, Crime, and Criminal Justice*, in OXFORD HANDBOOK TOPICS IN CRIMINOLOGY AND CRIMINAL JUSTICE (2012), <http://www.baylorisr.org/wp-content/uploads/ReligionCrime-and-Criminal-Justice.pdf>.

41. NATTI RONEL & DANA SEGEV, POSITIVE CRIMINOLOGY (2015).

42. Wilbert Rideau and Billy Sinclair, *Prisoner Litigation: How it Began in Louisiana*, 45 LA. L. REV. 1061, 1071 (1985).

43. Byron R. Johnson, *How Religion Contributes to the Common Good, Positive Criminology, and Justice Reform*, 12 RELIGIONS 402, 406-07 (2021).

participation in a Minnesota faith-based prisoner reentry program lowered recidivism and assisted with post-release employment, saving the government \$3 million or nearly \$8,300 per participant over six years.⁴⁴ Duwe and Johnson document how community visits to incarcerated people reduce recidivism as measured by rearrest, reconviction, and new offense reincarceration, and note that “faith-based communities tend to provide the bulk of community volunteers.”⁴⁵ Their study found that visits from community volunteers—namely clergy and mentors—“reduced the risk of recidivism by twenty-five percent for rearrest, twenty-percent for reconviction, and thirty-one percent for new offense reincarceration.”⁴⁶ The decreased risk of recidivism associated with visits from community volunteers was significantly higher relative to all visits.⁴⁷ They explain the enormous impact of faith-based engagement with inmates:

It may be easy to understand why family members and friends might take the time to visit incarcerated loved ones. It is less obvious, however, why people choose to voluntarily spend time in prison working with convicted offenders they do not know, that is, until one considers the faith factor. The pervasiveness of religious programs within correctional institutions is undeniable. For example, beyond work, education, or vocational training, religious activities attract more participants than any other personal enhancement program offered inside a prison (Bureau of Justice Statistics, 1993).⁴⁸

Religion-based programs for prison inmates also reduce recidivism. In one long-term study, the time to rearrest was extended seventeen to eighteen months longer among individuals who significantly engaged in a Bible study group in prison, or 3.8 years versus 2.3 years.⁴⁹ Strong engagement in the volunteer-led Bible study group affected recidivism more than four important risk factors for rearrest, including prior adult convictions, felony

44. Grant Duwe & Byron R. Johnson, *Estimating the Benefits of a Faith-Based Correctional Program*, 2 INT’L J. CRIMINOLOGY & SOCIO. 227, 227 (2013).

45. Grant Duwe & Byron R. Johnson, *The Effects of Prison Visits from Community Volunteers on Offender Recidivism*, 96 PRISON J. 279, 299 (2016).

46. *Id.* at 296–97.

47. *Id.* at 298.

48. *Id.* at 299.

49. Byron R. Johnson, *Religious Programs and Recidivism Among Former Inmates in Prison Fellowship Programs: A Long-Term Follow-up Study*, 21 JUST. Q. 329, 352 (2004).

offender status, and age, but had a diminished effect after two to three years.⁵⁰ An in-depth faith-based prison program, the Texas “InnerChange Freedom Initiative” that engaged prisoners in sixteen to twenty-four months of in-prison biblical programs and six to twelve months of follow-up programs while on parole, had even more impact: individuals completing the program had an eight percent chance of being rearrested within two years of release, as compared to a 36.3% chance for a matched group that did not participate in the program.⁵¹ They also had only an eight percent chance of re-incarceration within two years, compared to the matched group at 20.3%.⁵²

Criminality and recidivism are deeply intractable problems that often appear to have no significant solutions. Religion’s impact on reduction in criminality, inmate behavior, and recidivism is remarkable and provides a space for hope in an otherwise discouraging picture.

C. Adolescent Behavior

Religion is also repeatedly correlated with a variety of positive outcomes for adolescents.⁵³ Several measures of religiosity have shown positive correlations with adolescent physical and emotional health (dietary habits, seat belt use, exercise, sleep), educational accomplishments (particularly for the best and worst performers), social and community involvement, and family well-being.⁵⁴ Frequent church attendance is negatively correlated with adolescent participation in risk-taking behavior like drugs and alcohol,⁵⁵ with frequent attenders being thirty-three percent less likely to engage in illegal drug use.⁵⁶ Religiosity and creating religious networks lower the likelihood of engaging in premarital

50. *Id.* at 351.

51. BYRON R. JOHNSON, MORE GOD, LESS CRIME: WHY FAITH MATTERS AND HOW IT COULD MATTER MORE 108 (2011) [hereinafter MORE GOD, LESS CRIME].

52. *Id.* at 110.

53. Mark D. Regnerus, *Religion and Positive Adolescent Outcomes: A Review of Research and Theory*, 44 REV. RELIGIOUS RSCH. 394, 394 (2003).

54. *Id.* at 396–97.

55. MORE GOD, LESS CRIME, *supra* note 51, at ch. 9.

56. VanderWeele & Case, *supra* note 23.

sex.⁵⁷ For those who do engage in premarital sex, religious factors lower the frequency of sexual activity before marriage.⁵⁸

The advantage that religion gives youth is particularly marked among working-class families: boys in working-class families who were regularly involved in their church and strongly believed in God were twice as likely to earn bachelor's degrees as moderately religious or non-religious boys.⁵⁹ In that study, most non-religious working-class kids dropped out of the educational system by their mid-twenties.⁶⁰

Building on Putnam, Krohn, and Thornberry, Johnson suggests that the overlap of social and religious networks both constrain behavior and serve to protect youth from the effects of living in a high crime community.⁶¹ Pirutinsky finds a causal relationship between religiosity and reduced criminality among adolescents and identifies increased self-control as one of multiple mediating processes.⁶² Self-control, referred to as a "master virtue" because of its ability to forestall many vices, has been tied to religion through a number of studies. These suggest that religion supports self-control through fostering clarity of and accountability to moral standards, facilitating monitoring of one's behavior, developing self-control through fasting and charitable giving, encouraging avoidance of control-depleting situations, and imbuing behavior with sanctifying significance.⁶³

Christian Smith breaks down religion's positive influence on youth into nine mechanisms (moral directives, spiritual experiences, role models, community and leadership skills, coping skills, cultural capital, social capital, network closure, and extra-community

57. STARK, *supra* note 5, at 86.

58. *Id.*

59. Ilana M. Horwitz, *Opinion, I Followed the Lives of 3,290 Teenagers. This Is What I Learned about Religion and Education*, N.Y. TIMES (Mar. 15, 2022), <https://www.nytimes.com/2022/03/15/opinion/religion-school-success.html>.

60. *Id.*

61. MORE GOD, LESS CRIME, *supra* note 51, at 177.

62. Steven Pirutinsky, *Does Religiousness Increase Self-Control and Reduce Criminal Behavior?: A Longitudinal Analysis of Adolescent Offenders*, 41 CRIM. JUST. & BEHAV. 1290, 1290 (2014).

63. Anne L. Zell & Roy F. Baumeister, *How Religion Can Support Self-Control and Moral Behavior*, in HANDBOOK OF THE PSYCHOLOGY OF RELIGION AND SPIRITUALITY 498, 505 (Raymond F. Paloutzian & Chrystal L. Park eds., 2005).

skills), which he groups under the broader headings of moral order, learned competencies, and social/organizational ties.⁶⁴

Adolescent years are deeply formative. Religion's impact on young adults, especially those in high-crime areas or working-class families, suggests a way to break cycles of lack of education or criminal behavior. Religion, through a broad range of positive influences, helps youth to develop the skills needed to flourish and avoid harmful and risk-taking behaviors.

D. Family Life

Religiosity has also been correlated with happier and more stable family life.⁶⁵ Married couples who attend religious services, for example, are about thirty to fifty percent less likely to divorce than those who do not.⁶⁶ Mahoney et al. break down some of these correlations, looking specifically at attitudes imbuing family life with spiritual character and significance. Higher scores on two different measures of "sanctification" of family ties predicted more marital satisfaction, increased investment in marriage, less frequent marital conflict, and greater collaboration to resolve disagreements. Husbands and wives expressed a forty-two percent higher rating of marital satisfaction when the marital relationship was seen as sacred.⁶⁷ Higher sanctification of parenting led to mothers of four-to-six-year-olds reporting less verbal aggression with their children.⁶⁸ A similar study over twenty-six years found that the more important religious beliefs are to a mother, the more likely

64. Christian Smith, *Theorizing Religious Effects Among American Adolescents*, 42 J. FOR SCI. STUDY RELIGION 17, 17 (2003).

65. For reviews of the literature see, e.g., K.W. Jenkins, *Religion and Families*, in 1 FAMILY RESEARCH: A SIXTY-YEAR REVIEW 1930-1990, at 235 (Stephen J. Bahr ed., 1991); Anette Mahoney, Kenneth I. Pargament, Nalini Tarakeshwa & Aaron B. Swank, *Religion in the Home in the 1980s and 90s: A Meta-Analytic Review and Conceptual Analysis of Religion, Marriage, and Parenting*, 15 J. FAM. PSYCHOL. 321 (2001).

66. Tyler J. VanderWeele, *Religious Service Attendance, Marriage, and Health*, INST. FOR FAM. STUD., (Nov. 29, 2016), <https://ifstudies.org/blog/religious-service-attendance-marriage-and-health>; see also Edna Brown, *Religiosity and Marital Stability Among Black American and White American Couples*, 57 J. FAM. REL. 186, 194 (2008) (explaining that religiosity was predictive of marital stability over time but only when assessed by organizational religious participation and only as reported by wives).

67. Anette Mahoney, Kenneth I. Pargament, Aaron Murray-Swank & Nichole Murray-Swank, *Religion and the Sanctification of Family Relationships*, 44 REV. RELIGIOUS RSCH. 220, 228 (2003).

68. *Id.*

both she and her child were to report a higher quality relationship.⁶⁹ Christians are more sexually active, find higher satisfaction in their sexual relationships, and are less likely to be involved in extramarital relationships.⁷⁰ One explanation of the association between religiosity and sexual satisfaction is mediating factors such as marital commitment, relationship maintenance behaviors, and averaged spousal times.⁷¹

Additional recent research focuses on home-based religious practices and finds that individuals who not only attend religious services weekly, but also pray on a daily basis and engage at least two to three times a week in the home worship practices of praying as a family, reading scriptures, or having religious conversations score markedly higher on a number of measures of life happiness and relationship quality, even after numerous controls such as gender, age, education, immigration status, whether they had lived with both parents at age sixteen, whether they had been divorced, financial status, marital status, presence of children under eighteen, etc.⁷² The study found that couples in which both partners worshipped regularly together and engaged in home-based practices regularly experienced significantly higher levels of relationship quality and emotional closeness, higher sexual satisfaction, higher levels of shared decision-making, fewer money problems, and report more frequent patterns of loving behaviors such as forgiveness, commitment, and kindness than those who did not have regular in-home religious practices.⁷³ These benefits are not merely the result of both partners holding the same beliefs; according to the study, in the United States, couples who engage in at-home worship are twice as likely to report a high-quality marriage than couples who share secular beliefs.⁷⁴

The role of religion in family life, while widely recognized as generally positive, exhibits some of the nuances, complexities, and ambivalence that exist in looking at the social value of religion more broadly. While many behaviors are clearly prosocial, other

69. Lisa D. Pearce & William G. Axinn, *The Impact of Family Religious Life on the Quality of Mother-Child Relations*, 63 AM. SOCIO. REV. 801 (1998).

70. STARK, *supra* note 5, at 77-91.

71. Jeffrey P. Dew, Jeremy E. Uecker & Brian J. Wiloughby, *Joint Religiosity and Married Couples' Sexual Satisfaction*, 12 PSYCH. OF RELIGION & SPIRITUALITY 201, 208 (2018).

72. CARROLL ET AL., *supra* note 18, at 8-9.

73. *Id.* at 21.

74. CARROLL ET AL., *supra* note 18, at 23.

religious beliefs and practices are less so or are controversial. In this paper I attempt to rely on benefits that are widely accepted as prosocial, such as relationship satisfaction and individual well-being. I recognize that some aspects of religious marriage and family life in some communities are not normally considered prosocial, such as polygamy or child marriage, and that religion can be a tool used by abusers. I believe that the data presented above suggests that, while real, harm in religious relationships is not representative of religious relationships as a whole. I return to this question of harmful aspects of religion in Part III and suggest ways that deleterious aspects can be mitigated or opposed while retaining the value religion can bring.

Some prosocial behaviors and attitudes vary not just based on religiosity but also on the specific beliefs in question. One study, for example, found that priming different aspects of religion positively influences prosocial behavior at different rates.⁷⁵ Mahoney et al., for example, found that greater association of parenting with sacredness led to a reduction in corporal punishment, but only for those with a more liberal Christian orientation.⁷⁶ Mothers who saw parenting as sacred but who held socially conservative beliefs about the Bible showed no less likelihood of corporal punishment than those who did not view parenting as sacred.⁷⁷

In an interesting reversal, however, it is socially conservative women along with secular feminists who report the highest levels of marital satisfaction. In a study that came out in early 2022, seventy-three percent of married religiously conservative women report high-quality marriages, as opposed to fifty-five percent of secular progressive married women, forty-six percent of those in the religious middle, and thirty-three percent of secular conservative wives.⁷⁸ Other studies corroborate this, showing that “[r]eligious practice seems to effectively connect men to families by encouraging marriage, discouraging divorce, and promoting norms of involved

75. Tom Lane, *The Effects of Jesus and God on Pro-sociality and Discrimination*, 90 J. BEHAV. & EXPERIMENTAL ECON. 1, 5 (2021).

76. Mahoney et al., *supra* note 67, at 228.

77. *Id.* at 229.

78. W. Bradford Wilcox, Jason S. Carroll & Laurie DeRose, Opinion, *Religious Men Can Be Devoted Dads, Too*, N.Y. TIMES (May 18, 2019), <https://www.nytimes.com/2019/05/18/opinion/sunday/happy-marriages.html>.

husbands and fathers.”⁷⁹ Fathers who are religious, for example, spend 2.9 hours a week with their children in youth activities like sports or religious youth groups, as opposed to 1.6 hours spent by religiously unaffiliated fathers.⁸⁰ Urban fathers with children who attend religious services regularly lead to couples who experience higher levels of marital happiness and supportive behavior (affection, compromise, and encouragement).⁸¹

Popular images of religious families often invoke ideas of repression, abuse, and fear, but the data suggest the opposite. While clearly there is some variation in behavior based on the religious beliefs involved, the data support an opposite view: religious marriages are happier, have more fulfilling sexual relationships, are more stable, and involve less domestic violence. Religious families have better self-reported parent-child relationships and more parental engagement.

II. BENEFITS OF RELIGION AT THE SOCIETAL LEVEL

The benefits of religious belief, participation, and communities extend beyond individuals and families to benefit society as a whole. Religiously active individuals have been shown to be more civically active⁸² and positive about their communities.⁸³ They are more likely to vote,⁸⁴ more likely to volunteer as an absolute matter, and more likely to volunteer in non-religious causes.⁸⁵ Religiously active individuals are more likely to join community projects, serve

79. William C. Duncan, *Religion Is Key Factor in Connecting Men to Their Families*, SUTHERLAND INST. (Sept. 23, 2021) (citing multiple studies including Valerie King, *The Influence of Religion on Fathers' Relationships with Their Children*, 65 J. MARRIAGE & FAM. 382 (2003)).

80. W. Bradford Wilcox, *Religion and the Domestication of Men*, 5 CONTEXTS 42, 44 (2006).

81. *Id.* at 45.

82. PUTNAM & CAMPBELL, *supra* note 5, at 454–55.

83. Daniel A. Cox, Ryan Streeter, Samuel J. Abrams, Beatrice Lee & Dana Popky, *Public Places and Commercial Spaces: How Neighborhood Amenities Foster Trust and Connection in American Communities*, SURV. CTR. ON AM. LIFE (Oct. 20, 2021), <https://www.americansurveycenter.org/research/public-places-and-commercial-spaces-how-neighborhood-amenities-foster-trust-and-connection-in-american-communities> (finding that forty percent of Americans who report going to religious services more than once a week rate their communities as excellent, compared to twenty-nine percent who seldom attend and twenty-five percent who never do).

84. RELIGION'S RELATIONSHIP TO HAPPINESS, *supra* note 9, at 10.

85. *Id.* at 8–9; PUTNAM & CAMPBELL, *supra* note 5.

on juries, talk to neighbors, and give to charity.⁸⁶ These illustrations of the social capital that religious individuals and organizations contribute to their communities gives a sense of the power of religious belief and activity to influence communities for good.

The power of religion and religious communities to influence society for good appears to stem from several aspects. Religious organizations serve as mediating structures that can create a space for meaningful involvement and avoid the atomization of liberal societies.⁸⁷ They can counter what Sandel describes as the self-undermining aspects of liberal democracies, inspiring the sense of community and commitment to liberal democracy that its neutrality cannot.⁸⁸ Religious beliefs can anchor and inspire communities, promote intergenerational norm transfer, and develop democratic values such as tolerance, reflective thinking, generosity, altruism, and law-abidingness. Religion and religious organizations also promote peacemaking through non-violent democratic movements, mediation of peace agreements, and shaping of transitional justice by religious actors.⁸⁹ Faith-based associations also provide enormous support for humanitarian, educational, and medical care. Their ties locally and in many cases globally allow for tailored social assistance measures sensitive to local needs while tapping into global resources.

A. Social Capital

Putnam and others have elaborated on the idea of “social capital,” or the contributions to society that come from the associational networks of middle layers of society between individuals and the state.⁹⁰ These contributions include the reciprocity, trust, and trustworthiness⁹¹ that permit trade, community life, support, and

86. PUTNAM & CAMPBELL, *supra* note 5, at 82.

87. See 115th U.S. CONG. JOINT ECON. COMM., WHAT WE DO TOGETHER: THE STATE OF ASSOCIATIONAL LIFE IN AMERICA (May 2017), <https://www.jec.senate.gov/public/index.cfm/republicans/analysis?ID=82AEEDDA-B550-481E-BA31-9623B85A20D6>.

88. MICHAEL SANDEL, DEMOCRACY'S DISCONTENT 6 (1996).

89. Daniel Philpott, *Religious Freedom and Peacebuilding: May I Introduce You Two?*, 11 REV. FAITH & INT'L AFF. 31 (2013).

90. ROBERT T. PUTNAM, BOWLING ALONE: AMERICA'S DECLINING SOCIAL CAPITAL (2000) [hereinafter PUTNAM, BOWLING ALONE]; ROBERT T. PUTNAM & LEWIS FELDSTEIN, BETTER TOGETHER: RESTORING THE AMERICAN COMMUNITY (2003).

91. PUTNAM, BOWLING ALONE, *supra* note 90, at 19; FRANCIS FUKUYAMA, TRUST: THE SOCIAL VIRTUES AND THE CREATION OF PROSPERITY (1995).

ideas to move more freely. Civil society organizations “serve as important ‘schools of democracy,’ as participation in them may serve to enhance an individual’s ‘sense of efficacy or political agency, information, political skills, capacities for deliberative judgments, and civic virtues.’”⁹² Organizations that promote these benefits of associational life are often referred to as “mediating institutions,” “intermediate associations,” and civil society.⁹³

These benefits have been identified in a host of institutions, but within this group, religious associations are particularly significant. Robert Putnam asserts that

[f]aith communities in which people worship together are arguably the single most important repository of social capital in America. . . . As a rough rule of thumb, our evidence shows, nearly half of all associational memberships in America are church related, half of all personal philanthropy is religious in character, and half of all volunteering occurs in a religious context.⁹⁴

In addition to religious philanthropy and volunteering, religious people are twenty-five percent more likely than secular people to donate money and thirty-three percent more likely to volunteer time across the board.⁹⁵ Members of religious organizations are more than twice as likely as non-members to participate in non-religious civil society organizations.⁹⁶ Religious participants exceed non-religious participants in every category of civil society organizations: educational, ethnic, fraternal, hobby/sport, literature/arts, professional/business, political, self-help, service, union, veterans, and youth.⁹⁷

92. CORWIN E. SMIDT, KEVIN R. DEN DULK, JAMES M. PENNING, STEPHEN V. MONSMA & DOUGLAS L. KOOPMAN, PEWS, PRAYERS & PARTICIPATION 72 (2008) (citing Mark E. WARREN, DEMOCRACY AND ASSOCIATION 71 (2001)).

93. ROBERT BELLAH, RICHARD MADSEN, WILLIAM M. SULLIVAN, ANN SWIDLER & STEVEN M. TIPTON, HABITS OF THE HEART: INDIVIDUALISM AND COMMITMENT IN AMERICAN LIFE (1985); JACOB LEVY, RATIONALISM, PLURALISM, AND FREEDOM (2015); NANCY ROSENBLUM, MEMBERSHIP AND MORALS: THE PERSONAL USES OF PLURALISM IN AMERICA (1998); THE ESSENTIAL CIVIL SOCIETY READER: CLASSIC ESSAYS IN THE AMERICAN CIVIL SOCIETY DEBATE (Don E. Eberly ed., 2000).

94. PUTNAM, BOWLING ALONE, *supra* note 90, at 66.

95. Peter Dobkin Hall, *supra* note 32, at 160.

96. SMIDT ET AL., *supra* note 92, at 78.

97. *Id.* at 79-80.

Religious institutions also help build democratic structures and engaged citizens. Wuthnow argues that institutionalized conflicts among religious groups serve an “integrative” role, where groups have institutionalized channels to provide differing views, giving diverse groups a sense of inclusion. As the groups follow social and legal rules, they give these structures legitimacy.⁹⁸ Religious differences educate religious individuals in how to handle conflict and disagreement.⁹⁹ Many religious traditions involve lay members in various forms of leadership or social activities, helping individuals develop skills that can transfer to the political sphere. Religious diversity teaches individuals to explain their views, dissent, and peacefully attempt to persuade others, skills that form a rich reservoir for political life.¹⁰⁰ Verba, Schlozman, and Brady explain that “religious congregations rather than education, occupation, or social privilege [are] the most important venues for acquiring the values and skills needed for effective political participation.”¹⁰¹

Similarly, religious institutions play a positive role in increasing economic mobility.¹⁰² Economists have found that the primary determinant of economic mobility is the level of economic connectedness experienced by an individual.¹⁰³ Unfortunately, even when people are exposed to others of different financial situations, “friending bias” can inhibit the kind of connections necessary to overcome poverty.¹⁰⁴ When measuring the friending bias among people of low socioeconomic status within a variety of common social settings, such as schools, the workplace, and recreational groups, it is only in religious groups that there are negative levels of friending bias.¹⁰⁵ In religious settings, economically diverse

98. See WUTHNOW, *supra* note 5, at 9.

99. *Id.* at 8.

100. *See id.* at 7–8.

101. SIDNEY VERBA, KAY LEHMAN SCHLOZMAN & HENRY E. BRADY, *VOICE AND EQUALITY: CIVIC VOLUNTARISM IN AMERICAN POLITICS* 162 (1995).

102. Greg Rosalsky, *Why the American Dream is More Attainable in Some Cities Than Others*, NPR: PLANET MONEY (Aug. 1, 2022), https://www.npr.org/sections/money/2022/08/01/1114661467/why-the-american-dream-is-more-attainable-in-some-cities-than-others?fbclid=IwAR1c2lTP3KjT9rP_tCz1WKuKczRp6mVpD-wbfnHOwD_ZQ72at6S3x9PEyMc&%3Bfs=e&%3Bs=cl (last visited Feb 10, 2023).

103. *Id.*

104. Raj Chetty et al., *Social Capital II: Determinants of Economic Connectedness*, 608 *NATURE* 122 (2022).

105. *Id.* at 124.

friendships are formed at a rate three percent higher than expected.¹⁰⁶ In every other setting, including universities and recreational groups, friendships between low-income people and high-income people are formed at a rate 2.5% to 16.6% lower than expected.¹⁰⁷ Though religious groups show high levels of income segregation, they show consistently low levels of friending bias in all levels of exposure.¹⁰⁸ Furthermore, people who may show friending bias in other settings, exhibit low levels of friending bias in religious groups, emphasizing the unique nature of a religious setting.¹⁰⁹ By successfully fostering economically diverse relationships, religious settings increase rates of upward mobility.

A congressional report on social capital also explains how religious organizations have “powerful community-promoting advantages” as compared to secular associations: they “provide a vehicle for like-minded people to associate” regularly, have enforcement and intergenerational transfer of social norms, promote pro-social and other-regarding norms, encourage investment in social ties outside of religions, and encourage altruism and volunteering.¹¹⁰ The practical value of religious organizations to provide social support has been particularly pronounced in the Black community.¹¹¹

Evolutionary biologist Jonathan Haidt suggests a mechanism for this creation of social capital among religions. Haidt argues that human nature has an ability to transcend self-interest and permit us to lose ourselves in something larger than ourselves.¹¹² He argues that this ability to cooperate, or “hive switch,” can be turned on and then works to ensure natural selection at a group level by increasing social bonding and social capital such as trust.¹¹³ Haidt argues that religious norms, relationships, and institutions bind

106. *Id.* at 124–25.

107. *Id.*

108. *Id.* at 124.

109. *Id.*

110. 115th U.S. CONG., *supra* note 87.

111. Robert Joseph Taylor & Linda M. Chatters, *Church Members as a Source of Informal Social Support*, 30 REV. RELIGIOUS RSCH. 193 (1988); *see also* Edna Brown, *Religiosity and Marital Stability Among Black American and White American Couples*, 57 J. FAM. REL. 186, 194 (2008) (explaining that Black American husbands and wives reported greater emphasis on religion than White American couples).

112. HAIDT, *supra* note 7, at 190–245.

113. *Id.*

people into groups that form moral communities to reinforce individual behavior and result in an ability to cooperate, an increase in selflessness, and a demonstrated increase in happiness and decrease in suicide.¹¹⁴

B. Communal Obligations, Charitable Giving, and Social Justice

The social capital that religion creates is seen perhaps most dramatically in the impact religious organizations have had in the charitable sector and in promoting social justice. For example, the largest percentage of volunteers and programs in prisons that work with restorative approaches are faith motivated.¹¹⁵ Almost sixty percent of the emergency shelter beds for homeless individuals are provided through faith-based organizations, and over \$119 million is saved through faith-based residential recovery and job readiness programs for the homeless during the three years after they left the program.¹¹⁶ Numerous studies have shown that religiously active individuals give financially more, and more often, to both religious and secular causes.¹¹⁷ Seventy-three percent of all charitable giving in the U.S. goes to organizations that are explicitly religious and forty out of fifty of America's top charities are faith based.¹¹⁸ Members of U.S. religious organizations spend four and a half times as much money to help the economically disadvantaged abroad than the Gates Foundation.¹¹⁹ Religious schools educate more than three million children a year, and religious hospitals care for twenty percent of U.S. hospital patients.¹²⁰ Religious families adopt children at more than twice the rate of non-religious ones.¹²¹ Research indicates that religious institutions play a key role in

114. *Id.* at 265–73.

115. Duwe & Johnson, *supra* note 44, at 227–39.

116. BYRON JOHNSON, WILLIAM H. WUBBENHORST & ALFREDA ALVAREZ, BAYLOR INST. FOR STUDIES OF RELIGION, *ASSESSING THE FAITH-BASED RESPONSE TO HOMELESSNESS IN AMERICA: FINDINGS FROM ELEVEN CITIES* 7 (2017) <https://www.baylorisr.org/wp-content/uploads/ISR-Homeless-FINAL-01092017-web.pdf>.

117. Karl Zinsmeister, *Less God, Less Giving? Religion and Generosity Feed Each Other in Fascinating Ways*, PHILANTHROPY ROUNDTABLE, (2019) <https://www.philanthropyroundtable.org/magazine/less-god-less-giving> (last visited Apr. 10, 2022).

118. *Id.*

119. *Id.*

120. *Id.*

121. *5 Things You Need to Know About Adoption*, BARNA (Nov. 4, 2013), <https://www.barna.com/research/5-things-you-need-to-know-about-adoption>.

addressing the well-being of underserved communities in the United States, through programs confronting food insecurity, substance use, mental health, obesity, and HIV prevention and care.¹²² Rodney Stark details social benefits and estimated savings to the state that religion provides in the areas of crime reduction, home and religious schooling, mental health, physical health, charitable contributions, volunteering, unemployment reduction, and reduced use of state welfare benefits and argues “[w]hatever else can be said about American religion, it provides a great many tangible benefits to all of us – having an annual cash value of more than \$2.6 trillion.”¹²³

The social benefits of religion can also be seen in volunteering rates worldwide. One study analyzing the effects of religiosity on volunteering across 113 countries, found that the religiously affiliated, especially those with high levels of religious service attendance, are more likely to volunteer than the religiously unaffiliated.¹²⁴ This study also found that “[b]elonging to a religious minority group in a country was associated with a greater likelihood of volunteering” and evidence suggesting that “increased religious diversity in a society is associated with higher levels of volunteering.”¹²⁵ A 2021 SEIROS report studying the volunteer and donation behavior of religious persons in Australia estimated that persons who remain

122. Karen R. Flórez, Brad R. Fulton & Kathryn P. Derose, *National Trends in Food Insecurity and Congregation-Based Food Provision Between 1998 and 2012*, 58 *ECOLOGY OF FOOD AND NUTRITION* 265 (2019); Benjamin E. Hidalgo et al., *Urban Religious Congregations’ Responses to Community Substance Use: An Exploratory Study of Four Cases*, 58 *J. RELIGION AND HEALTH* 1340 (2019); Eunice C. Wong, Brad R. Fulton & Kathryn P. Derose, *Prevalence and Predictors of Mental Health Programming Among U.S. Religious Congregations*, 69 *PSYCHIATRIC SERV.* 125 (2018); Kathryn P. Derose, Malcolm V. Williams, Karen R. Flórez, Beth Ann Griffin, Denise D. Payán, Rachana Seelam, Cheryl A. Branch, Jennifer Hawes-Dawson, Michael A. Mata, Margaret D. Whitley & Eunice C. Wong, *Eat, Pray, Move: A Pilot Cluster Randomized Controlled Trial of a Multilevel Church-Based Intervention to Address Obesity Among African Americans and Latinos*, 33 *AM. J. HEALTH PROMOTION* 586 (2018); Kathryn Derose, David E. Kanouse, Laura M. Bogart, Peter Mendel, Michael Mata, Clyde W. Oden, Ricky N. Bluthenthal, Deborah Owens Collins, Karen Rocío Flórez, Beth Ann Griffin, Ann C. Haas, Jennifer Hawes-Dawson, Kartika Palar, Laura Werber, Malcolm V. Williams, Blanca Dominguez, Alexandria Felton, Frances Aunon, Brian D. Stucky, Dennis E. Corbin & Joshua Breslau, *The Role of Urban Congregations in Addressing HIV*, RAND (2017), https://www.rand.org/pubs/research_briefs/RB9941.html (last visited Feb. 10, 2023).

123. STARK, *supra* note 5, at 168.

124. Matthew R. Bennet, *Religiosity and Formal Volunteering in Global Perspective*, in *RELIGION AND VOLUNTEERING: COMPLEX, CONTESTED, AND AMBIGUOUS RELATIONSHIPS* 90 (Lesley Hustinx, Johan von Essen, Jacques Haers & Sara Mels eds., 2014).

125. *Id.* at 91.

religious from childhood to adult life are “74% more likely to volunteer than persons who have never been religious,” while ‘converts’ to religion, “are estimated to be 122% more likely to volunteer than persons who have never been religious.”¹²⁶ “[E]xcluding volunteering to religious causes,” the hours volunteered by religious people contribute \$9–20 billion to Australian society annually.¹²⁷ Additionally, the study concluded that religious persons are much more likely to make financial and in-kind contributions to both religious and non-religious causes than non-religious persons;¹²⁸ in fact, the SEIROS report established that the high level of volunteering and donations of religious people benefits not just religious causes, but the public good, citing religiosity as “the greatest influence on volunteering for non-religious causes.”¹²⁹

Christian Smith explains that although religion may legitimize and preserve “the world as it is,”¹³⁰ it also challenges and overturns economic, political, and social systems.¹³¹ Religion has been associated with social change and social movements from abolitionism to civil rights to Polish anti-communist workers’ movements. Smith claims religion is often overlooked as a force for social change and that “[w]e would be foolish . . . not to recognize that religious worldviews, interests, traditions, structures, and practices themselves really do matter in shaping the mobilization, struggles, and outcomes of a multitude of social movements.”¹³² Wuthnow documents historically the “important and perhaps underappreciated contribution of . . . filtering, digesting, and in many instances countering the dominant national rhetoric—doing

126. SEIROS & AGAPE ECONOMICS, MEASURING THE ECONOMIC IMPACT OF RELIGIOUS PERSONS ASSOCIATED WITH VOLUNTEERING AND DONATION BEHAVIOUR 4 (2021), https://www.pc.gov.au/_data/assets/pdf_file/0017/360026/sub228-philanthropy-attachment.pdf.

127. *Id.* at 4.

128. *Id.* at 4. By including those who had always been religious in addition to the ‘converted,’ this study added to the results of the 2017 report by Deloitte Access Economics (DAE), thus better capturing the impact of religion on society overall. SEIROS & AGAPE ECONOMICS, EXECUTIVE SUMMARY: THE IMPACT OF RELIGIOSITY ON THE VOLUNTEERING AND DONATION BEHAVIOUR OF RELIGIOUS PERSONS (2021).

129. *Id.* at 7.

130. Christian Smith, *Introduction: Correcting a Curious Neglect, or Bringing Religion Back In*, in *DISRUPTIVE RELIGION: THE FORCE OF FAITH IN SOCIAL-MOVEMENT ACTIVISM* 10 (1996).

131. *Id.* at 1.

132. *Id.* at 9.

so through local networks and by focusing on practical concerns inadequately addressed through electoral politics.”¹³³

One sector in which religious organizations are calling for social change is in the confrontation of climate change in the United States. According to a 2021 poll conducted by Morning Consult and Politico, sixty percent of Christians and seventy-three percent of non-Protestant/Catholic religious people believe that “passing a bill to address climate change and its effects” should be a top or important priority.¹³⁴ A poll conducted by Climate Nexus found similar results.¹³⁵ Various religious organizations have addressed climate change and environmental issues using the language of their specific faith traditions, and promoting local faith-based activism.¹³⁶ One-third of the 1,200 institutions that by 2021 had committed to divest a total of 14.5 trillion U.S. dollars from fossil-fuel companies were faith-based organizations.¹³⁷ In June of 2021, over 3,400 faith leaders signed a letter to the United States Congress, urging them to “support historic levels of investment that will safeguard Creation, address the impacts of climate change and pollution from fossil fuel extraction and related industries, and fulfill our moral obligation to leave a habitable world for future generations.”¹³⁸ In this letter, they spoke of their work against climate change as their “sacred task as people of faith.”¹³⁹ This is one example of the many calls for environmental care across the nation, including the Pope’s request for leaders to “take charge of the care of nature.”¹⁴⁰

133. WUTHNOW, *supra* note 5, at 253.

134. MORNING CONSULT & POLITICO, NATIONAL TRACKING POLL #210419 CROSTABULATION RESULTS (April 2–4, 2021), at 82, https://assets.morningconsult.com/wp-content/uploads/2021/04/07082047/210419_crosstabs_POLITICO_RVs_v1_SH.pdf.

135. CLIMATE NEXUS, NATIONAL POLL PR2117 (June 11–15, 2021), <https://climatenexus.org/wp-content/uploads/2015/09/Infrastructure-Climate-Change-National-Poll-Toplines-2021.pdf>.

136. Guthrie Graves-Fitzsimmons & Maggie Siddiqi, *Religious Americans Demand Climate Action*, Center for American Progress (July 21, 2021), <https://www.americanprogress.org/article/religious-americans-demand-climate-action>.

137. Tobias Müller, *People of Faith Are Allies to Stall Climate Change*, 592 NATURE 9, 9 (2021).

138. Letter from Interfaith Power & Light and others to the United States Congress, <https://www.interfaithpowerandlight.org/wp-content/uploads/2021/06/Faith-leaders-Letter-to-Congress-for-Bold-Infrastructure-Plan.pdf>.

139. *Id.*

140. *Pope on Earth Day: “It is Time to Act!”*, VATICAN NEWS, (Apr. 22, 2021), <https://www.vaticannews.va/en/pope/news/2021-04/pope-francis-earth-day-video-message.html>.

Religious organizations bring numerous strengths to charitable and social justice work. Christian Smith suggests that they have (1) transcendent motivation (such as legitimization for protest rooted in the ultimate or sacred; moral imperatives for love, justice, peace, freedom, equity; powerfully motivating icons, rituals, songs, testimonies, oratory; ideologies demanding self-discipline, sacrifice, and altruism; legitimization of organizational and strategic-tactical flexibility based in flexible readings of scripture); (2) organizational resources (trained and experienced leadership resources, financial resources, congregated participants and solidarity incentives, pre-existing communication channels, equipment and facilities, and “Movement midwives” – organizations that help “birth” movements without becoming a part of them); (3) shared identity (common identification among gathered strangers, shared super-identities nationally and cross-nationally, a unifying identity against outside threats); (4) social and geographic positioning (geographical dispersion of membership that extends political influence, recruitment efforts, etc.; social diffusion and cross-cutting associations; transnational organizational linkages); (5) privileged legitimacy, including political legitimacy in public opinion and the protection of religion as a last “open space” in authoritarian contexts; and (6) institutional self-interest, including institutional resistance to state encroachment.¹⁴¹

Conceptually, religious organizations are also able to tackle the challenges of justifying and implementing social justice claims. One objection raised to social justice movements is that it is not usually clear who is obligated by social and economic rights. Robert Cover explains that the “jurisprudence of rights has proved singularly weak in providing for the material guarantees of life and dignity flowing from the community to the individual.”¹⁴² Others, including MaryAnn Glendon,¹⁴³ Michael Novak,¹⁴⁴ and Mohammad

141. Smith, *supra* note 130, at 9–22.

142. Robert M. Cover, *Obligation: A Jewish Jurisprudence of the Social Order*, 5 J. L. & RELIGION 65, 71 (1987).

143. MARY ANN GLENDON, *RIGHTS TALK: THE IMPOVERISHMENT OF POLITICAL DISCOURSE* (1993).

144. Michael Novak, *Social Justice: Not What You Think It Is*, HERITAGE LECTURES (Dec. 29, 2009), http://s3.amazonaws.com/thf_media/2009/pdf/hl_1138.pdf; Michael Novak, *Defining Social Justice*, FIRST THINGS (Dec. 2000), <https://www.firstthings.com/article/2000/12/defining-social-justice>.

Saeed Bahmanpour and Heiner Bielefeldt,¹⁴⁵ have commented on the challenges and limitations of “rights talk.” The sense of obligation to care for one another, however, resonates deeply in religious traditions. Cover describes this in the Jewish tradition: a framing myth of all law coming from Sinai, which centers social obligations in *mitzvah*, or obligation.¹⁴⁶ These come to us as a community: “Sinai is a collective – indeed, a corporate, experience.”¹⁴⁷

In the Christian tradition, joint action and obligation are seen through prophetic, priestly, and pastoral roles,¹⁴⁸ all of which are significant parts of religious institutions’ ability to promote social justice. In their prophetic roles, religious leaders and institutions speak truth to power and issue inspired and inspiring calls to justice. In their priestly functions, they teach doctrine and perform rituals that bind the community to each other and to their divine obligations, and in their pastoral functions, they provide a mechanism for unified community action to those locally and globally most in need.

As these examples suggest, the power of religious coordinated action comes not merely from social capital alone. Religious leaders are most able to have a galvanizing, motivating, and transforming effect when they speak with institutional integrity. Secular appeals or efforts that are forced by the state do not draw on the internal reasons or deep faith commitments of members. Al Hibri explains this well in the Muslim context, arguing that well-meaning efforts from outsiders to increase the pace of change on Muslim women’s rights “without full understanding of its complex topology, and the deep-rooted commitment by most Muslim women to spiritual and cultural authenticity, could halt or even reverse this process”¹⁴⁹

C. Social Norms and Liberal Democracy’s Limitations

As the prior section suggests, another important social function that religious organizations distinctively provide is a reservoir of

145. Mohammad Saeed Bahmanpour & Heiner Bielefeldt, *The Politics of Social Justice: Religion Versus Human Rights?*, OPENDEMOCRACY (Nov. 7, 2002), https://www.opendemocracy.net/democracy-europe-islam/article_689.jsp.

146. Cover, *supra* note 142, at 66.

147. *Id.*

148. RELIGIOUS ORGANIZATIONS IN THE UNITED STATES: A STUDY OF IDENTITY, LIBERTY, AND THE LAW (James A. Serritella et al., eds. 2006).

149. Azizah Yahia al-Hibri, *Muslim Women’s Rights in the Global Village: Challenges and Opportunities*, 15 J. L. & RELIGION 37 (2000).

social norms.¹⁵⁰ These are not uncontroversial – socially conservative religious norms, particularly on sexuality and gender issues, have often been criticized – but what is striking is how many of the social norms religion provides are not controversial and are widely accepted as important. Religious traditions not only teach valuable norms but are also able to instill deep commitment to them and play an important role in intergenerational norm transfer.

The civic norms religion instills are crucial for a healthy democracy. Virtue ethics philosopher Peter Berkowitz argues that religion is essential to the development of democratic values such as tolerance, reflective thinking, generosity, altruism, and law-abidingness.¹⁵¹ Wuthnow argues that religions and religious diversity bring “into the public arena valuable perspectives about freedom, values, and moral responsibility.”¹⁵² He argues that religious disagreements on core values also strengthen democracy: “[D]emocracy does not necessitate everyone believing the same thing. Democracy is strengthened more by citizens acknowledging and accepting diversity – and willingly contending for differing beliefs.”¹⁵³ In this sense, religious freedom and pluralism themselves strengthen democracy by creating a model of how protecting deeply differing beliefs can strengthen society. Other virtue ethics philosophers draw on Paul Woodruff’s elaboration of the value of reverence, or “the virtuous capacity for awe, respect, and shame” in the face of what “cannot be changed or controlled by human means.”¹⁵⁴ This is a “habit[] of feeling” that helps prevent leaders from trying to act like gods and also helps people to have a sense of belonging in society.¹⁵⁵ For example, Lincoln’s Second Inaugural Address,¹⁵⁶ laden with religious invocations, invokes a sense of reverence that underscores human humility in the face of tragedy.

150. See, e.g., Gianna Englert, *How Religion Defends Freedom*, L. & LIBERTY (Aug. 13, 2018), <https://lawliberty.org/book-review/benjamin-constant-on-religion-and-the-values-of-a-liberal-society>.

151. PETER BERKOWITZ, *VIRTUE AND THE MAKING OF MODERN LIBERALISM* (2000).

152. WUTHNOW, *supra* note 5, at 12.

153. *Id.* at 250.

154. Frank C. Richardson, *Virtue Ethics, Dialogue, and Reverence*, 43 AM. BEHAV. SCI. 442, 452 (2003) (quoting Paul Woodruff, *Reverence, Respect, and Dependence*, 7 (2001) (unpublished manuscript) (on file with the University of Texas at Austin)).

155. *Id.*

156. President Abraham Lincoln, Second Inaugural Address of President Lincoln (Mar. 4, 1865) <https://www.nps.gov/linc/learn/historyculture/lincoln-second-inaugural.htm>.

Even without accepting religious truth claims, atheist Alain de Botton recognizes the powerful and important role religions can play through their presentation of social values. He proposes modifying Hegel's definition of art to reflect "[c]hristianity's insights: good art is the sensuous presentation of those ideas which matter most to the proper functioning of our souls – and yet which we are most inclined to forget, even though they are the basis for our capacity for contentment and virtue."¹⁵⁷ He underscores religion's emphasis on "our need to impose greater discipline on our inner lives."¹⁵⁸ "So opposed have many atheists been to the content of religious belief," he claims, "that they have omitted to appreciate its inspiring and still valid overall object: to provide us with well-structured advice on how to lead our lives."¹⁵⁹

Political philosophers have also identified religious values' role in compensating for the limitations inherent in a liberal democracy. Modern liberalism relies on a neutrality toward all notions of the good life, but this can progressively undermine even its own core values of liberty, tolerance, and human rights in theory and in practice.¹⁶⁰ The current trend for democratic systems to be gliding toward populism and authoritarianism worldwide suggests that commitment to liberal values is not entrenched in liberal democracy.

Michael Sandel argues, for example, that modern liberalism can be self-undermining. It "cannot secure the liberty it promises," because it "cannot inspire the sense of community and civic engagement that liberty requires."¹⁶¹ Michael Novak explains in other words:

In modern political thought, two terms have until recently tended to dominate discourse: the individual and the nation state. This can hardly be surprising, since both these terms (and their underlying realities) are modern arrivals on the stage of history. But these two terms apply, as it were, only to the two extremes of

157. ALAIN DE BOTTON, RELIGION FOR ATHEISTS 217 (2012).

158. *Id.* at 158.

159. *Id.* at 111.

160. Frank C. Richardson & Timothy J. Zeddies, *Individualism and Modern Psychotherapy*, in CRITICAL ISSUES IN PSYCHOTHERAPY: TRANSLATING NEW IDEAS INTO PRACTICE 147 (Brent D. Slife et al. eds., 2001).

161. SANDEL, *supra* note 88, at 6.

social life, excluding the “thickest” parts of social living in between.¹⁶²

The “thickest” parts of living that inspire a sense of community and civic engagement are where religion and religious communities excel. The costs of atomization from the liberal state, with its emphasis on autonomy and individual life, is also documented in a very practical way: the current epidemic of loneliness, where forty percent of American adults say they are lonely, has doubled since the 1980s.¹⁶³ Loneliness has been found to have a significant impact on health outcomes and is as much a risk factor for early death as obesity or smoking.¹⁶⁴ As mentioned above, religious activity provides an important antidote to loneliness.¹⁶⁵

D. Peacebuilding

In addition to being a source of norms and helping to compensate for the limitations of liberal democracy, religion can also serve as a crucial source of social stability and peace. As a mediating institution, religion can serve as a check on state power, helping prevent a concentration and centralization of power,¹⁶⁶ enhancing “[r]esistance to domination and anti-government power,”¹⁶⁷ and be a voice to challenge the powerful. It can, of course, entrench power and abet repression of the marginalized, which I discuss in more detail in Part III, but significantly has the “capacity to perform a range of positive functions in society.”¹⁶⁸ Toft, Philpott, and Shah argue that these include promoting democracy, mediating an end to violent conflicts, providing increased social services, catering to diverse religious preferences of society, and

162. Michael Novak, *Introduction to the 1996 Edition*, in *TO EMPOWER PEOPLE: FROM STATE TO CIVIL SOCIETY* 2-3 (Michael Novak ed., 1996) (emphasis omitted).

163. Dhruv Khullar, *How Social Isolation Is Killing Us*, N.Y. TIMES (Dec. 22, 2016), <https://www.nytimes.com/2016/12/22/upshot/how-social-isolation-is-killing-us.html>; see also Jane E. Brody, *The Surprising Effects of Loneliness on Health*, N.Y. TIMES (Dec. 11, 2017) <https://www.nytimes.com/2017/12/11/well/mind/how-loneliness-affects-our-health.html>.

164. Khullar, *supra* note 163.

165. See Pfund & Miller-Perrin *supra* note 29, at 248.

166. SMIDT ET AL., *supra* note 92, at 71 (citing ARNOLD ROSE, *THEORY AND METHOD IN THE SOCIAL SCIENCE* 50 (1954)).

167. Archon Fung, *Associations and Democracy: Between Theories, Hopes, and Realities*, 29 ANN. REV. OF SOCIO. 522 (2003).

168. MONICA DUFFY TOFT, DANIEL PHILPOTT & TIMOTHY SAMUEL SHAH, *GOD’S CENTURY: RESURGENT RELIGION IN GLOBAL POLITICS* 217 (2011).

encouraging political moderation.¹⁶⁹ In a later piece, Daniel Philpott also adds the capacity to shape transitional justice by religious actors and prevent religious violence that comes as a result of the denial of religious freedom.¹⁷⁰

Research and experience have demonstrated the power of religion in all these areas. Non-violent political movements, for example, are more likely than not to be associated with religion: “[o]f more than 180 nonviolent campaigns for major political change since World War II, a majority have involved religion in some way.”¹⁷¹ Demonstrators use religion to advance peace and nonviolence through “ideas, people, institutions, symbols, spirituality, and external support.”¹⁷² Religion has repeatedly played a role in promoting democracy. In a study of seventy-eight democratic movements, forty-eight involved religious leaders and organizations exercising important influence. In thirty of these, religious actors played a leading role, while in eighteen, religious actors played a supporting role.¹⁷³ Religiosity of a country, in and of itself, however, is not as predictive of the level of peace in a country, which is accounted for more by political and regional similarities.¹⁷⁴

Religions are often particularly well placed to mediate an end to violent conflicts, with the resources Christian Smith identified mentioned earlier,¹⁷⁵ such as (1) transcendent motivation; (2) organizational resources; (3) shared identity; (4) social and geographic positioning; (5) privileged legitimacy, including political legitimacy in public opinion and the protection of religion as a last “open space” in authoritarian contexts; and (6) institutional self-interest, including institutional resistance to state encroachment.¹⁷⁶ Religion has also contributed to transitional justice, or the attempt to move from an illegitimate or repressive regime to one with more

169. *Id.*

170. Philpott, *supra* note 89, at 34.

171. Jason Klocek, Miranda Rivers & Sandra Tomb, *New Evidence: How Religion Aids Peaceful Change: Nonviolent Movements Are Effective in Building Peace. Religion May Help Them More than We Think*, U.S. INST. PEACE (Sept. 30, 2021), <https://www.usip.org/publications/2021/09/new-evidence-how-religion-aids-peaceful-change>.

172. *Id.*

173. Philpott, *supra* note 89, at 33 (citing TOFT ET AL., *supra* note 168, at 92, 96).

174. INSTITUTE FOR ECON. & PEACE, FIVE KEY QUESTIONS ANSWERED ON THE LINK BETWEEN PEACE & RELIGION (2014), <https://www.files.ethz.ch/isn/184879/Peace-and-Religion-Report.pdf>.

175. See Smith, *supra* note 130, at 9-22.

176. *Id.* at 9-22.

legitimacy, particularly through paradigms of reconciliation.¹⁷⁷ In a study of nineteen cases of transitional regimes over thirty years, eight cases involved religious influence on the transitional regime, such as helping establish truth and reconciliation commissions.¹⁷⁸ One study, specifically looking at ten truth commissions, has shown that religious actors were involved in eight out of ten of these truth commissions.¹⁷⁹

Although religion is often associated in the popular mind with violence and war,¹⁸⁰ a study from the Institute for Economics and Peace revealed that religion was not a main cause of conflict in any of the thirty-five conflicts taking place in 2013, and religion played no role at all in forty percent of them.¹⁸¹ Religious beliefs face the “ambivalence of the sacred,” in Scott Appleby’s terms, and religion has been used by all denominations to promote peace as well as hostility.¹⁸² The question of religion’s role in social hostilities is closely connected to the levels of religious freedom in a country, however, as Part III documents.

Religious disengagement in the U.S. and elsewhere has been generally correlated with greater racial intolerance. A Swedish study shows that voters for far-right parties were less likely to attend church, and a United States study shows that Evangelicals who frequently attend church services may be less tolerant of LGBTQ individuals but are more tolerant of Blacks, Muslims, and Latinos than those who do not frequently attend.¹⁸³ Anti-immigration stances are also more common among Catholics, mainline Protestants, and born-again Protestants the less they attend church.¹⁸⁴ White

177. DANIEL PHILPOTT, *What Religion Offers for the Politics of Transitional Justice*, in *RETHINKING RELIGION AND WORLD AFFAIRS* 149 (Timothy Samuel Shah et al. eds., 2012).

178. Philpott, *supra* note 89, at 34.

179. THOMAS BRUDHOLM & THOMAS CUSHMAN, *THE RELIGIOUS IN RESPONSES TO MASS ATROCITIES* (2009).

180. *See, e.g.*, CHARLES KIMBALL, *WHEN RELIGION BECOMES EVIL* (2002); *but see* WILLIAM T. CAVANAUGH, *THE MYTH OF RELIGIOUS VIOLENCE: SECULAR IDEOLOGY AND THE ROOTS OF MODERN CONFLICT* (2009).

181. INSTITUTE FOR ECON. & PEACE, *supra* note 174.

182. APPLEBY, *supra* note 6; MARK JURGENSMAYER, *TERROR IN THE MIND OF GOD* (2001).

183. Geoffrey Layman, *Where Is Trump’s Evangelical Base? Not in Church*, WASH. POST, (Mar. 29, 2016, 10:00 AM), <https://www.washingtonpost.com/news/monkey-cage/wp/2016/03/29/where-is-trumps-evangelical-base-not-in-church> (reporting on 2016 American National Election Studies Pilot Study).

184. Peter Beinart, *Breaking Faith*, THE ATLANTIC (Apr. 2017), <https://www.theatlantic.com/magazine/archive/2017/04/breaking-faith/517785>.

Democrats also move further from the political middle the less they attend church.¹⁸⁵ Commentators Peter Beinart and Shadi Hamid both note that ideological intensities flare as individuals transfer the passion felt for religion to politics.¹⁸⁶

Religion's impact for good on contemporary society, much like its impact on the health and well-being of individuals and families, is reflected in a stunningly wide range of theories and evidence. Religion brings social capital to a society by engendering trust, reciprocity, and trustworthiness. Religion helps build democratic structures, political participation skills, and engaged citizens. Religious pluralism helps model the healthy disagreements intrinsic to democratic societies that is so lacking in contemporary culture.

Religion also promotes economic equality and stimulates philanthropy and volunteerism. Religion reduces friending bias that inhibits economic mobility. Religious groups are heavily involved in caring for the homeless, providing international aid, running restorative justice programs, health care, and education. Religious individuals are more likely to volunteer and donate, including to non-religious causes. Tangible results of religious contributions to communities have been estimated at \$2.6 trillion in the United States and \$9-20 billion in Australia. Religious organizations provide a moral and conceptual basis for caring for others and numerous practical strengths in charitable and social justice work.

Religion also provides a way to bring needed values into the neutral liberal state. Religion brings "thick" living as an antidote to the atomization of the modern life and modern states' emphasis on autonomy and individuality.

Finally, religion contributes to social life through serving as a source of social stability and peace. Religious communities have been deeply involved in mediating ends to violent conflicts, supporting non-violent political movements, and encouraging increased tolerance.

185. *Id.* (citing an April 2016 PRRI survey that white Democrats who went to religious services at least once a week backed Clinton by 26 points, while white Democrats who rarely attended services backed Sanders by 13 points).

186. Shadi Hamid, *America Without God*, THE ATLANTIC (Apr. 2021), <https://www.theatlantic.com/magazine/archive/2021/04/america-politics-religion/618072>; Beinart, *supra* note 184.

At times, religion seems invisible in secular societies, many of which privatize religion. Religion becomes reduced in the public mind to worship and religious buildings. As this section has shown, however, religious belief and activity have a wide scope and bring enormous value in underpinning modern liberal democracies, including bringing social capital and values, caring for the disadvantaged, and building peace. Even in secular societies—perhaps especially in secular societies—religion plays a key role in binding communities together and is an indispensable part of social flourishing.

III. BAD RELIGION AND RELIGIOUS FREEDOM

While the positive impact of religion for individuals, families, and communities is extensively documented, it is also important to recognize the negative impact that religious individuals and faith communities have had. As suggested in the previous sections, religion's power has been wielded for good and ill.

Religion is a paradox. Many of the social norms that some see as positive and pro-social, have led to discrimination and hostility to those seen as deviating from the social norms, particularly in the sphere of gender and sexual identity, orientation, and expression. Religion can be a force for peace, yet the religiosity of a country alone does not affect the level of peace in countries worldwide, which is accounted for more by political and regional similarities.¹⁸⁷ Religion promotes values needed in liberal democracies yet for thousands of years has also been used to prop up monarchies and repressive governments. Some believers can promote liberal democracy or pro-social behaviors, while other members of the same faith oppose them.

This problem of paradox is not exclusive to religion but also faces those advocating the value of other thick communitarian approaches. Talisse argues that

[c]ommunitarians needed to devise a way in which essentially social and 'encumbered' selves could adopt a self-critical stance that could weed out and correct the oppressive, intolerant, and homogenizing tendencies of community without evoking liberal notions of civil liberties and individual rights. In other words,

187. INSTITUTE FOR ECON. & PEACE, *supra* note 174.

they needed a conception of community that was at once binding *and* plastic, a politics that was both formative and fluid.¹⁸⁸

For religion, this self-critical stance that can weed out oppressive and intolerant features of the community is only possible with religious freedom. When situated in a legal regime that ensures exit rights and minimizes restrictions on religious freedom, religion, with its unifying power, can be at once binding and plastic, formative and fluid.

While this paper is not primarily focused on religious freedom, I think a focus on religious freedom is a crucial conclusion to the points offered. If religion can have powerful, positive impacts on individuals, families, and societies, as studies repeatedly demonstrate, then there is a significant justification for protecting it. In fact, if some versions of religion are extremely helpful while others are deleterious,¹⁸⁹ religious freedom becomes even more important. Religious freedom can be interpreted broadly or narrowly, but all forms have limits to religiously motivated behavior.¹⁹⁰ Religious freedom allows religious flourishing but is not a blank check. The vibrant religious scene it provides allows for self-regulation and competition.¹⁹¹ To paraphrase the principle underlying protection of free speech in the United States—the answer to bad religion is more religion, not less. And religious freedom is key to ensuring more religious choices and voices.

Research underlines the power of religious freedom to facilitate freely chosen and pro-social religion and the harmful effects of governments that do not protect religious freedom. Authoritarian

188. Robert B. Talisse, *Introduction: Pragmatism and Deliberative Politics*, 18 J. SPECULATIVE PHIL. 1, 2 (2004).

189. See, e.g., David H. Rosmarin & Bethany Leidl, *Spirituality, Religion, and Anxiety Disorders*, in HANDBOOK OF SPIRITUALITY, RELIGION, AND MENTAL HEALTH 42 (2020) (“Generally speaking, positive cognitive or emotional aspects of [spirituality/religion,]” like faith/trust in God, “are consistently associated with less anxiety, whereas negative internal facets of [spirituality/religion,]” like appraisals of God as punitive or unfair, “are associated with more anxiety.”).

190. See, e.g., TORE LINDHOLM, ET AL., EDS., *FACILITATING FREEDOM OF RELIGION OR BELIEF: A DESKBOOK* (Leiden, Netherlands: Martinus Nijhoff, 2004); ELIZABETH A. CLARK & BRETT G. SCHARFFS, *LAW AND RELIGION IN THE UNITED STATES* (Wolters Kluwer, 2016), part of the *International Encyclopedia of Laws* series, Rik Torfs, general editor; Elizabeth A. Clark, *International and Comparative Law Protections of Collective Aspects of Religious Freedom*, 75 S. CT. L. REV. (Canada) (2016).

191. See, e.g., Shima Baradaran-Robinson, Brett G. Scharffs & Elizabeth A. Clark, *Religious Monopolies and the Commodification of Religion*, 32 PEPP. L. REV. 885, 885-943 (2005).

leaders, for example, can exploit and capture religious majorities because they keep their countries religiously unfree.¹⁹² Religion-related terrorists also thrive in unfree countries. A 2005 study of ninety-five religious terrorist groups showed that only thirty-one of them (thirty-two percent) operate in “Free” countries, while most of the rest operate in “Partly Free” or “Not Free” countries.¹⁹³ Toft, Philpott, and Shah explain that “religious communities are most likely to support democracy and least likely to take up the gun or form dictatorships, when governments allow them freedom to worship, practice, and express their faith freely and when religious communities in turn renounce their claims to permanent offices or positions of policy-making authority.”¹⁹⁴

Philpott argues that religious freedom promotes peace because of institutional independence and what he calls “political theology,” or beliefs promoting religious freedom. Comparing countries on whether religion has exercised a force for good in establishing democratic regimes, he argues that “the more strongly that religious and political leaders or organizations hold a political theology of religious freedom, the more they are likely to further peace,” and “[t]he most effective democratizers among religious actors were also those who, through struggle and resistance, had secured a degree of institutional independence from the dictators who wanted to suppress them.”¹⁹⁵ Philpott suggests that this limited *de facto* religious freedom “served as a sphere of ‘moral extraterritoriality,’ to use the phrase of George Weigel, from which religious actors could conduct opposition to dictatorships with the aim of securing or increasing actual, *de jure* religious freedom.”¹⁹⁶ Wuthnow argues that the “deep and persistent clashes about basic values and epistemic principles” that religious diversity and freedom affords, in what he calls “agonistic pluralism[.]” models a framework of civility and mutual respect for democracies to likewise handle clashing views and principles.¹⁹⁷

192. ANI SARKISSIAN, *THE VARIETIES OF RELIGIOUS REPRESSION* (2015).

193. Philpott, *Religious Freedom and Peacebuilding*, *supra* note 89, at 35.

194. TOFT ET AL., *supra* note 166, at 18.

195. Philpott, *Religious Freedom and Peacebuilding*, *supra* note 89, at 33–34.

196. *Id.* at 34 (citing GEORGE WEIGEL, *THE FINAL REVOLUTION: THE RESISTANCE CHURCH AND THE COLLAPSE OF COMMUNISM* (1992)).

197. WUTHNOW, *supra* note 5, at 252–56.

A commitment to religious freedom also helps resolve specific conflicts. Philpott suggests that a theological commitment to religious freedom and institutional independence contributes to success in mediating peace agreements. In a survey of twenty-six cases of religious actors mediating (or failing to mediate) peace agreements to civil wars, twenty-five of which took place between 1989 and 2005, eleven cases featured strong religious mediation efforts. These “were conducted by religious actors who enjoyed religious freedom—a position of independence from the state that allowed them to earn the trust of both sides of the negotiation. The same religious mediators typically included religious freedom in their political theology—the set of doctrines that motivated them to serve as mediator.”¹⁹⁸

Sociologists Brian Grim and Roger Finke have also studied religious freedom’s connection with political stability. After tracking religious restrictions in 143 countries, they found that social and governmental restrictions on religious freedom are associated with increased violence and conflict.¹⁹⁹ Their analysis shows what they call the “religious violence cycle:” social hostility towards religions increases calls on governments to restrict religious freedom, which in turn increases violence related to religion, prompting increasing social hostilities and starting the cycle again.²⁰⁰ The connection between social hostilities and government restrictions is not always obvious to legislators, who see restrictions on religion as preventing religious violence. Grim and Finke’s extensive research, however, demonstrates that one of the strongest predictors of violent religious persecution is government restrictions on religion. Religious freedom, or the reduction of government restrictions on religion, thus reduces social hostilities based on religion in a virtuous circle antidote to the religious violence cycle.

From a historical perspective, religious historian Philip Jenkins has also explained why religious freedom is so crucial to preserving security and stable societies. He documents how persecuted religions go underground, often adopt active and effective military

198. Philpott, *Religious Freedom and Peacebuilding*, *supra* note 89, at 34 (citing TOFT ET AL., *supra* note 168).

199. BRIAN GRIM & ROGER FINKE, *THE PRICE OF FREEDOM DENIED: RELIGIOUS PERSECUTION AND CONFLICT IN THE TWENTY-FIRST CENTURY* (2010).

200. *Id.* at 637.

traditions, cultivate violent and apocalyptic ideologies that make sense of their suffering, encourage withdrawal from a perceived hostile outside world, and can provide justification or support for attacks from co-religionists elsewhere.²⁰¹ Jenkins argues that “[r]eligious persecution can thus provide massive obstacles to nation-building, and to creating a stable, just, and secure international order. It also produces a vicious cycle, in which violence itself breeds theories and structures conducive to violence.”²⁰²

The reverse virtuous cycle is also true—religious freedom reduces conflict and increases security by, among other things, removing grievances religious groups have toward governments and their fellow citizens.²⁰³ Other research in the United States supports this as well—minorities, even unreligious ones, report greater happiness and feelings of safety in their communities when they feel free to practice their religion.²⁰⁴ Even after accounting for community-related characteristics that might influence personal well-being, such as discrimination and perceived safety, ease to practice one’s religion remained the most prominent predictor of happiness in the community.²⁰⁵

Religious flourishing also stems from religious freedom’s correlation with individual well-being. A study of more than 150 countries found a positive causal relationship between religious liberty and well-being. Makridis argues that this is the case for three reasons: (1) the seeds of democracy are sown in a place where opinion and social discourse is free and open, (2) religion has positive effects on educational attainment, and (3) religious freedom promotes respect for differing opinions.²⁰⁶

Religious freedom not only has individual benefits of well-being but is also bundled with other rights and freedoms. Grim and Finke demonstrate that religious freedom is correlated with and part of the “bundled commodity” of human freedoms that energize

201. Philip Jenkins, *The Politics of Persecuted Religious Minorities*, in RELIGION AND SECURITY: THE NEW NEXUS IN INTERNATIONAL RELATIONS 25 (Robert A. Seiple & Dennis R. Hoover eds., 2004).

202. *Id.* at 34.

203. See BRIAN GRIM & ROGER FINKE, *supra* note 199.

204. Stephen Wu, *Religion and Refugee Well-Being: The Importance of Inclusive Community*, 60 J. FOR SCI. STUDY RELIGION 1 (2020).

205. *Id.* at 12.

206. Christos Andreas Makridis, *Human Flourishing and Religious Liberty: Evidence from over 150 Countries*, 15 PLOS ONE, Oct. 1, 2020, at 18–19.

broader productive participation in civil society by all religious groups, which is conducive to the consolidation of democracy and to socio-economic progress.²⁰⁷ These rights include political freedom, freedom of the press, and gender empowerment.²⁰⁸

Religion, particularly socially conservative versions of religion, is often associated with discrimination based on gender, gender identity, and sexual orientation. Despite some very real tensions between nondiscrimination rights and religious freedom, I find it interesting that religious freedom is highly correlated with the economic and educational status of women²⁰⁹ and that the average level of support for LGBT rights is thirty-eight percent higher in countries with higher levels of religious freedom than in countries with low levels of religious freedom.²¹⁰ These are issues that should be explored further, but in this context it is also important to note that the “simple view of religious freedom and women’s rights [or, I would suggest, LGBTQ rights] being in eternal and inevitable conflict is a simplistic one.”²¹¹ For many, religion is one of multiple overlapping identities, albeit a powerful and uniquely formative one.²¹² Religious freedom allows for choice and voice in religious life.

IV. CONCLUSION: THE EXTRINSIC AND NON-EXTRINSIC

207. GRIM & FINKE, *supra* note 199, at 640.

208. *Id.*

209. *Id.*; see also Pazit Ben-Nun Bloom, *State-Level Restriction of Religious Freedom and Women’s Rights: A Global Analysis*, 64 POL. STUD. 832, 842 (2016) (“In nations where the rights and freedoms of minority religions are less respected, a lower score on the gender equality scale is observed, representing lower economic, social and political rights for women”).

210. Brian J. Grim, *New Global Study: Do Religious Freedom and LGBT Rights Have Common Ground?*, RELIGIOUS FREEDOM & BUS. FOUND. (Aug. 17, 2019), <https://religiousfreedomandbusiness.org/2/post/2019/08/new-global-study-do-religious-freedom-and-lgbt-rights-have-common-ground.html>.

211. Carolyn Evans, Anna Hood & Jessica Moir, *From Local to Global and Back Again: Religious Freedom and Women’s Rights*, 25 L. CONTEXT: SOCIO-LEGAL J. 112, 113 (2007); see also Bloom, *supra* note 207, at 834 (warning against a simplistic view of secularism as inherently promoting gender equality); Nazila Ghanea, *Piecing the Puzzle—Women and Freedom of Religion or Belief*, 20 J. FAITH & INT’L AFF. 4 (2022).

212. For example, Pew reports that seventy-seven percent of lesbian and gay individuals in America believe in God. Philip Schwadel & Aleksandra Sandstrom, *Lesbian, Gay and Bisexual Americans Are Less Religious by Traditional Measures*, PEW CTR. RES. (May 24, 2019), <https://www.pewresearch.org/fact-tank/2019/05/24/lesbian-gay-and-bisexual-americans-are-less-religious-than-straight-adults-by-traditional-measures>.

VALUE OF RELIGION

So often in contemporary discourse, unnecessary tensions between religious freedom and nondiscrimination can obscure the value of religion and religious freedom. As the studies and theories presented in this Article overwhelmingly demonstrate, religious practice, belief, and membership are linked to a host of individual, familial, and societal benefits.

For individuals, active religious attendance and the experience of harmony within a faith community contribute to greater well-being and life satisfaction and are correlated with increased physical and mental health. Religiosity blunts the negative effects of living in underprivileged areas and reduces criminality. Religion and the work of religious institutions are linked to rehabilitation, pro-social behavior in prisons, and reduced recidivism. Religiosity in youth is positively correlated with physical and emotional health and negatively correlated with risk-taking behaviors and illegal drug use. Active religious participation and religious beliefs about family ties are associated with improved marital stability, increased levels of marital satisfaction, reduced verbal aggression toward children, and self-reported improvement in parent-child relationships.

Scholars suggest a range of reasons for the power of religious belief, participation, and communities to help bring these benefits to individuals and families. Religion brings “psychological insurance” and stress buffering to help with adverse circumstances. Religion provides explanations for hardships, communal rituals for important life events, a social safety net, and combats excessive individualism through a sense of belonging and a network of support. Religious norms not only discourage anti-social behavior but actively promote pro-social behavior. Religious norms offer clear moral guidance, encourage good health practices, increase social contacts and charitable giving, and help inculcate a more sacred view of the family. Religions create relationships of accountability that reinforce positive behavior. The reduction in criminality and recidivism mentioned above has been explained as resulting from the positive social linkages, spirituality, service, honesty, and identity transformation that religions create.

The positive outcomes stated for youth, come through religion’s establishment of a moral order and provision of spiritual experiences, coping skills, and role models. It provides community and

leadership skills and other cultural and social capital. Religion can imbue family life with spiritual character and significance.

Religion's benefits also accrue to society as a whole. Religiously active citizens are more civically active and express more positivity about their communities. They are more likely to vote, volunteer (including in non-religious causes), talk to neighbors, and give to charity. They build social capital, acting in ways that foster reciprocity, trust, and trustworthiness, facilitating trade and community life. Putnam argues that "[f]aith communities in which people worship together are arguably the single most important repository of social capital in America" and comprise half of all personal philanthropy and volunteering.²¹³ Religious communities help individuals develop values and acquire skills that contribute to effective political participation. They provide an important vehicle for the intergenerational transfer of social norms.

Faith-based associations have an outsized portion of charitable giving. In the United States, they provide almost sixty percent of shelter beds for homeless individuals, educate more than three million children a year, provide twenty percent of hospital care, and are the majority of volunteers in restorative programs in prisons. Religious individuals adopt children at more than twice the rate of non-religious individuals and send four and a half times as much money in international aid as the Gates Foundation. Rodney Stark estimates that the benefit of religious charity in America carries an annual cash value of over \$2.6 trillion.

Religious organizations provide a reservoir of social norms and deep commitment. These norms include democratic values such as tolerance, reflective thinking, generosity, altruism, law-abiding behavior, and reverence. Religious pluralism provides a model of civil disagreement for citizens in a democracy. Religious belief can compensate for modern liberalism's neutrality toward notions of the good life and can help societies retain the commitment to values, sense of community, and civic engagement that liberty requires to flourish. Religious norms can provide a thick component to social life and combat the atomization of the modern liberal state and the epidemic of loneliness.

Religion can also be a source of social justice and peace. As mediating institutions, religions can check state power and provide

213. PUTNAM, *BOWLING ALONE*, *supra* note 89, at 66.

a voice to challenge reigning social norms. Studies show that religion is associated with a majority of nonviolent campaigns for political change and plays a role in over half of democratic movements. Religious individuals and organizations play a role in mediating an end to violent conflicts, contribute to transitional justice, and were involved in eight out of ten truth commissions. Religious disengagement is correlated with increased racial and ethnic intolerance and political polarization.

Where do all these social benefits come from? Sociologists, philosophers, and others suggest that the social benefits of religion flow from the values religion instills, religious practices and habits, and the web of trusting relationships that religion creates. Religious interactions provide training for social and civic life and tap into the human ability to cooperate and work as a group. Although religions may legitimize and preserve social order, they also challenge society and government. As Christian Smith argues, religions have enormous power in fostering charitable and social justice work through providing transcendent motivations and moral imperatives, organizational resources, shared identities, local and transnational social and geographic positioning, privileged legitimacy, and institutional resistance to state encroachment.²¹⁴ Religions can justify and implement social justice claims in ways that states are not able to. Religious rituals, mandates, and faith-based organizations with institutional integrity are uniquely positioned to bind the community together and promote social justice. Social movements and transitional justice are benefited by the power of religious symbols and spiritual credibility.

Religion and religious organizations, which bring all these personal, familial, and societal goods, thus become a benefit for society as a whole and not merely a private value for believers. Atheist Alain de Botton, for example, recognizes religion's ability to meet

central needs which continue to this day and which secular society has not been able to solve with any particular skill: first, the need to live together in communities in harmony, despite our deeply rooted selfish and violent impulses. And second, the need to cope with terrifying degrees of pain which arise from our

214. Smith, *Introduction*, *supra* note 128, at 9-22.

vulnerability to professional failure, to troubled relationships, to the death of loved ones and to our decay and demise.²¹⁵

“[Religions] have all made significant contributions to mainstream politics,” he asserts,

but their relevance to the problems of community are arguably never greater than when they depart from the modern political script and remind us that there is also value to be had in standing in a hall with a hundred acquaintances and singing a hymn together or in ceremoniously washing a stranger’s feet or in sitting at a table with neighbours and partaking of lamb stew and conversation, the kinds of rituals which, as much as the deliberations inside parliaments and law courts, are what help to fold our fractious and fragile societies together.²¹⁶

There is a demonstrable and objective value of religion, but in the end, it is important to remember, as Christian Smith puts it, “there is something particularly *religious* in religion, which is not reducible to nonreligious explanations”²¹⁷ Religion has tremendous impact for good but cannot be simply reduced to its non-religious aspects and benefits. “Meaning” and “purpose” are hard to quantify but are crucial to the individual self-understanding of religious believers.²¹⁸ Religion’s care for the other loses its power without religion’s reification of a divine other or identification of a transcendent reality.

German philosopher Hans Joas articulated the intangible value of religion well. Speaking at a historic meeting of German Protestant and Catholic clergy in 2003, Joas argued that our need for religion cannot just be understood by looking at the external value or usefulness of religion but more fundamentally at the need for the experience we call belief. He said, “The question is not ‘Is religion useful?’ but ‘Can we live without the experience articulated in faith, in religion?’”²¹⁹

Joas focuses on self-transcendent experiences, where individuals are “pulled beyond the boundaries of one’s self, being captivated by something outside of myself, a relaxation of or

215. DE BOTTON, *supra* note 157, at 12.

216. *Id.* at 50.

217. Smith, *Theorizing Religious Effects*, *supra* note 64, at 19.

218. See 115th U.S. CONG., *supra* note 87.

219. HANS JOAS, DO WE NEED RELIGION?: ON THE EXPERIENCE OF SELF-TRANSCENDENCE 7 (2016).

liberation from one's fixation on oneself."²²⁰ As he describes it, these self-transcendent experiences may be responses to the beauties or horror of nature, others, love, loss, brotherhood, or vulnerability. Religious traditions in his view are particularly powerful as they not only articulate these self-transcendent experiences, but also provide a rich repertoire of interpretations and catalyze having such self-transcendent experiences in the first place.²²¹ Deep conviction can lead to a commitment to religious freedom and respect for pluralism as well. Religious experience can lead one to think of the religious freedom of others in terms of "want[ing] them to have the opportunity to develop their own authentic and unforced relationship to God."²²²

Similarly, American philosopher and legal scholar Martha C. Nussbaum, in her consideration of what makes religion "special," points to its undeniable tie to liberty of conscience and human dignity. Using the words of Roger Williams, Nussbaum advocates for religious freedom as a way of protecting "a general power of choice, the directing capacity of our lives . . . a source of universal equality among human beings."²²³ Under this view, the preservation of human dignity is the supreme social good religious freedom provides.

Religion brings enormous practical impacts, but our valuation of religion is ultimately tied to our valuation of the human experience and human dignity. Respecting the broad range of religious faith and action across the human experience and choice in the realm of religion means protecting religious liberty. Not only is religious freedom deeply practical, providing a crucial mechanism whereby the considerable benefits of religion's thick community can be maintained while also allowing free exit and public criticism of religious beliefs, practices, and institutions. But in the end, religious freedom also has intrinsic value. Religious freedom is a recognition of the worth of the experience of belief or unbelief and human dignity.

220. *Id.*

221. *Id.* at 14.

222. *Id.* at 25.

223. *Id.* at 52; MARTHA C. NUSSBAUM, LIBERTY OF CONSCIENCE: IN DEFENSE OF AMERICA'S TRADITION OF RELIGIOUS EQUALITY 167 (2008).

Simply put, religion matters to individuals, families, and communities for both deeply pragmatic and intrinsic reasons. And because it does, religious freedom matters as well.

