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Paul Hanly Furfey Lecture

The False Dichotomy of Sex and Religion in America

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Abstract

Religion and sexuality are polysemic categories. While conservative religion often fights against progressive sexual politics in contemporary America, this “usual story” is fractured and destabilized by people navigating the relationship between religion and sexuality as complex social creatures, not pundits or caricatures. Drawing from interdisciplinary scholarship, I examine salient issues of sexual politics—including abortion and reproductive rights, LGBT rights, and pornography—to show how religious actors have been on both sides of these debates. Because of this polysemic complexity, scholars of religion must not only tend to the dynamic interaction between religion and other categories, we must also recognize and study the diversity within the categories themselves.

Keywords: sexuality, law, religion and state, LGBT rights, pornography, abortion

Introduction

One spring night in 1991, a law student living in Atlanta, Georgia named Robin Joy Shahr was in a restaurant working on her wedding invitations. She looked up to see two women she recognized: a

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friend, who happened to be on the guest list for the wedding scheduled for that summer, and an attorney who worked for Georgia's Attorney General's office. Shahar was planning to join that same office the following fall, having accepted a job offer to begin work after her wedding and a honeymoon trip to Greece. In the restaurant that evening, the three women had a brief and friendly exchange, talked about Shahar's upcoming nuptials, and Shahar returned to her task of inviting guests to attend a ceremony she characterized as "a Jewish, lesbian-feminist, outdoor wedding."

Shahar was married that June in a ceremony performed by a rabbi from a Reconstructionist synagogue. The marriage was not legally recognized, but Shahar and her wife were both life-long Jews and current members of a congregation that married same-sex couples with many elements of a traditional Jewish ceremony. That same month, the attorney she met several months before at the restaurant when she was addressing wedding invitations, disclosed to a group of colleagues that Shahar was marrying another woman. As a court opinion would later describe, "this revelation caused a stir" at the Attorney General's office. After conferring with his senior aide, attorney general Michael Bowers made the decision to withdraw Shahar's job offer. His letter to her said that the decision "has become necessary in light of information that has only recently come to my attention relating to a purported marriage between you and another woman. As chief legal officer of this state, inaction on my part would constitute tacit approval of this purported marriage and jeopardize the proper functioning of this office" (*Shahar v. Bowers*, 114 F.3d 1097 [1997]).

Shahar took the Attorney General to court. If this case were taking place in 2021, Shahar could claim that Bowers's illegally discriminated against her on the basis of sexual orientation, a direct violation of Title VII of the federal Civil Rights Act. Since 2020, Title VII has included both sexual orientation and gender identity under the umbrella term "sex" as a protected class from workplace discrimination as a result of the Supreme Court's ruling in *Bostock v. Clayton County* (Valenti 2021). In 1991, however, there were no protections for workplace discrimination against LGBT people in either the state of Georgia or federally. Shahar's wedding took place only five years after Michael Bowers, the same man who took away her job offer, made national headlines when the Supreme Court upheld Georgia's sodomy

laws—effectively criminalizing homosexuality—in the landmark case *Bowers v. Hardwick*.

Shahar did not rely on a discrimination claim to argue her case. Instead, she argued that Bowers's actions violated her constitutionally protected right to the free exercise of religion, along with her free association rights and right to equal protection and substantive due process. Her argument largely centered on her rights according to the First Amendment (Lowe 1999), including that her wedding and marriage relationship was a constitutionally protected expression of her sincerely held religious beliefs.

This article analyzes religion and sexuality as polysemic categories, containing within them multiple meanings. Specifically, I draw from existing scholarship within sociology, religious studies, and gender and queer studies to add nuance to contemporary American debates over sexual politics, where polarization, dichotomies, and stereotypes typically reign. For example, “religious freedom” in the context of Shahar's legal arguments presented in 1991 means something different than when the phrase is evoked by conservative politicians and activists today (see Adler et al. 2021; Martí 2020; Whitehead and Perry 2020). This shift in meaning reveals the dynamic life of what social movement scholars call a “frame,” or the intentional messaging used to communicate values and beliefs and often prompt action to be taken to advance those beliefs (Benford and Snow 2000). No single group holds exclusive claim to a frame; it may evolve or transform over time; and frames can reveal broader and deeper social conflict and inequalities (Burke and Bernstein 2014; Coley 2020; McCammon et al. 2007; Stone 2019).

Yet, religion and sexuality are more than frames to be deployed by social movements; they are social categories that orient our identities and interactions. In her now classic article, “When Sheila's a Lesbian,” Melissa Wilcox (2002) offers a corrective to the dominant sociological explanation for religious change in late 20th-century America (see Roof 1999; Wuthnow 1998): that religious individualism is not the same as “free choice” because individuals—especially when they are members of marginalized social groups—are constrained by institutional inequalities and discrimination. Religious individualism, in other words, is unstable and entangled within a broader social context (see also Wilcox 2003, 2009). Wilcox's title evokes Robert Bellah et

al.'s (1985) *Habits of the Heart* and the interview respondent "Sheila" who epitomized the cliché—to be "spiritual but not religious"—by rejecting denominational affiliation and formal religious categories to embrace what she described as "Sheila-ism." Wilcox asks: How does our understanding of religion change if Sheila happens to be a lesbian? Drawing from interviews with LGBTQ people who are practicing or former Christians, Wilcox (2002:510) summarizes her findings from many of her respondents: "Faced with ideas that negated their newly claimed identities [of being LGBT], they neither argued nor capitulated, but simply left [their former conservative congregations]—thereby definitively sifting such ideas out of their religious beliefs. *Yet this process was not simple.* Self-definitions (essentialism) and a variety of independently defined theological positions, not to mention exegetical strategies tailored to each person's view of the Bible, also lent themselves nicely to the eventual integration process" (emphasis added).

Wilcox's intervention is an example of a broad body of work within the sociology of religion that demonstrates the utility of taking an intersectional approach to understand how categories—such as sexuality, gender, race, and class—influence religious life and experiences in the United States and beyond (Avishai, Jafar, and Rinaldo 2015; Barron and Williams 2017; Higginbotham 1993; Oyakawa 2019; Rao 2015; Yukich and Edgell 2020). Melissa Wilde (2018) calls it a move toward "complex religion," wherein she urges social scientists to operationalize intersectionality by analyzing religion *in interaction* with, not independent from, other institutions and variables. "[L]ooking for independent effects of religion makes neither theoretical nor methodological sense in most cases," Wilde (2018:288) argues. In other words, religion is rendered meaningless without the additional social categories that bring it to life.

In what follows, I describe what Janet Jakobsen (2020:37) calls the "usual story" of religion and sexuality in America and then challenge it using examples of salient public debates: abortion; AIDS activism and the gay rights movement; and pornography. I synthesize my own autobiographical experiences and empirical research with that of others to make the case that scholars of religion must not only tend to the dynamic interaction between religion and other categories, we must also recognize complexities and diversity within the categories themselves.

The Usual Story?

In his defense in *Shahar v. Bowers* (1997), the Attorney General argued that since Georgia law did not recognize same-sex marriage, hiring Shahar would produce a number of negative consequences: it would “affect public credibility about the Department’s interpretations; interfere with the Department’s ability to handle controversial matters; interfere with the Department’s ability to enforce Georgia’s sodomy law; and in general, create difficulties maintaining the supportive working relationship among the office lawyers that is necessary for the proper functioning of the Department.” Bowers also signaled that he had “serious reservations about the quality of Shahar’s judgment in general,” given that she would so publicly violate the law with her relationship.

The Eleventh Circuit Court of Appeals sided with Bowers, determining that his interests representing the state and as a public employer outweighed Shahar’s individual rights (Hannon 1999). In its written opinion, where references to Shahar’s wedding and marriage were always in quotation marks, the court explains that “the government interest in staffing its offices with persons the employer fully trusts is given great weight when the pertinent employee helps make policy, handle confidential information, or must speak or act—for others to see—on the employer’s behalf.” This interest, the court concluded, outweighs Shahar’s First Amendment rights, as those rights are not absolute. Shahar appealed to the Supreme Court, which refused to hear the case (Biskupic 1998).

Sociologist Kristin Luker (2006) categorizes two camps in American sexual politics: sexual liberalism and sexual conservatism, which often, but do not always, map on to political ideology. Sexual liberals understand sex primarily as natural, and thus not in need of protection, but rather deserving of freedom. Sexual conservatives, on the other hand, see sex as sacred and thus in need of protection against being watered down or misused. Though unsuccessful, Shahar’s legal claims reverse what is often a taken-for-granted assumption about religion and sexuality in contemporary America: that religion is associated with an anti-gay position or sexual conservatives, and that secularity (in this case the Attorney General’s office that argued against the rights of an individual when it came to religious expression) is

associated with a pro-gay position or sexual liberals. This assumption, though wrong in this particular case, is salient precisely because the association between American religion and sexual conservatism is often an empirical reality (see Burke 2016; Fetner 2008; Jakobsen and Pellegrini 2004; Stein 2001).

In collaboration with Emily Kazzyak et al. (2020), our research team has analyzed all federal court cases between 1990 and 2018 that involved claims of religious freedom or religious discrimination in relation to LGBT people or issues. This is how I came to learn of *Shahar v. Bowers*, which is one of 63 cases in our sample. We find that in just about four of five cases, the party bringing the religion-based claim to the court is also anti-LGBT. In about one of five cases, the party bringing the religion-based claim is what we loosely label pro-LGBT, as is true for *Shahar v. Bowers*. The vast majority of cases appearing before federal courts and involving claims of religious freedom and LGBT issues are ones where religious people are in opposition to queer people.

This is a story shared by many LGBT Americans, who are as a whole, less religious than the general public. In 2013, 48% of a representative sample of LGBT Americans reported no religious affiliation, compared to 20% of the general public (Pew Research Center 2013). Further, 30% of respondents reported having personally felt unwelcome at a place of worship. The vast majority of LGBT Americans perceived evangelical churches, the Catholic Church, the Mormon Church, and the Muslim religion as being unfriendly toward LGBT people. For Judaism and non-evangelical Protestantism, about the same amount of respondents reported them as “unfriendly” and “neutral.” Only 10% identified these religions as friendly toward LGBT Americans. A nationally representative survey conducted by the Trevor Project (2020) finds that 14% of LGBT adults say that a religious leader has tried to convince them to change their sexual orientation or gender identity. Research spanning several countries has consistently shown that gay Christians, Jews, and Muslims experience conflict trying to reconcile their religious and sexual identities (Schnoor 2006; Siraj 2012; van Klinken 2015). A common theme in this work is a multi-step process of “identity integration” or “identity reconciliation,” which emphasizes how religion and LGBT identity are incompatible (Moon

2004; Pitt 2010; Sumerau, Mathers, and Lampe 2019; Woodell, Kazyak, and Compton 2015; Yip 2002).

In my own life, I grew up in a Methodist church and became an involved member of a conservative Baptist church as a teenager. After I graduated from high school, I enrolled in a Baptist college. But I ended up leaving the college and my faith altogether in my second year, when I came out as gay. I spent over a decade as a “none”—without a religious affiliation or community—but was “moved by the spirit” on the Sunday following the 2016 Presidential election when I took my queer family to church. We went to a Unitarian Universalist gathering where we were greeted with a hug by a slight woman in her 60s named Kay who whispered in my ear sincerely, “we’re so glad you’re here.” It turned out that I missed religion, and quickly fell in love with the community of spiritual misfits, progressives, and queer people, and a year later became a member of that congregation. My kids’ understanding of “church” is different than my own understanding was as a child, but church it still is.

Like those “Choose Your Own Adventure” books that were popular when I was growing up, I have thought about what my life would have been like if I remained enrolled at that Baptist college. Would I have ended up among the group of Christian women I observed as part of my research gathered together on a Tuesday morning for Bible study and prayer while their children were enrolled in the church’s Christian education program in the room next door? The irony is that I *did* end up in that group of women, though not as a participant. It’s not so simple to say that I am an outsider to the evangelical communities I have researched (Burke 2016; Burke and Haltom 2020; Burke and McDowell 2021). Prevailing dichotomous stereotypes of “us vs. them” make it appear as if religion in America is synonymous with a particular version of mostly white conservative Christianity. But in fact, for virtually all of the issues we lump together under the umbrella of sexual politics—including abortion and reproductive rights, LGBT rights, and pornography—religious actors have been on both sides of the debates (Braunstein, Fuist, and Williams 2017; Frank, Moreton, and White 2018).

The Religious Sides of Sexual Politics

Abortion

Norma McCorvey, better known as Jane Roe from the landmark *Roe v. Wade*, converted to Christianity in 1995 after being baptized by “Flip” Benham, an evangelical preacher and the national director of the militant pro-life organization Operation Rescue. McCorvey quit her job in a Texas women’s clinic, started working at Operation Rescue, and committed to “serving the Lord and helping women save babies.” There are many of these conversion stories within the pro-life movement (Trumpy 2021), and often they suggest that the way to make even the most committed pro-choice advocate into a darling for the pro-life cause is to add religion and stir.

Yet, history reveals that the relationship between religious beliefs and attitudes about abortion is far from static. Since the movement to liberalize abortion laws began in the United States in the early 20th century, religious leaders have been active participants (Griffith 2017; Luker 1984). Clergy have worked alongside Planned Parenthood since the 1940s. While Catholic leaders were the most outspoken and consistent opponents to abortion rights, there have also been progressive movements within the Catholic church, including the establishment of the group Catholics for a Free Choice. Protestants, as a whole, were relatively late joiners of the anti-abortion movement (Lewis 2017). In the late 1960s, both Barry Goldwater and Ronald Reagan, then governor of California, supported the legality of abortion. The Southern Baptist Convention (SBC) in 1971, two years prior to *Roe v. Wade*, supported abortion as a legal right in cases of rape, incest, fetal deformity, and “damage to the emotional, mental and physical health of the mother” (Fitzgerald 2017:255).

Beginning in 1980, though, the SBC began to pass a series of resolutions dubbed pro-life. In that same year, Jerry Falwell compared abortion to the Nazi genocide of the Jews (a rhetorical tactic used by Catholic clergy decades earlier). At the start of the 1980s, evangelicals nationally had more liberal views on abortion than Catholics, the religious group that had most stridently opposed abortion rights. By 1984, however, white evangelicals held more pro-life views than any other religious group in the United States, including Catholics (Jelen

and Wilcox 2003). This trend has continued to the present. In 2014, a majority of white Catholics, Black Protestants, white mainline Protestants, and Jews believe abortion should be legal in all or most cases (Masci 2018).

As Tricia Bruce (2020:404) succinctly describes, “Religion is both amplifier and silencer when it comes to the issue of abortion.” Which messages are amplified and which are silenced are often strategic, to advance particular agendas of powerful religious leaders and institutions. Bruce finds through a large-scale qualitative interview study that people often have a complex and nuanced understanding of this topic, regardless of religion, yet activists present abortion in black and white terms (see also Pratt 2014). In his study of the contemporary pro-life movement, Ziad Munson (2008) finds that though religion permeates the rhetoric of the movement, many activists do not claim religion as the reason for their activism, nor are they significantly more religious than their non-activist pro-life counterparts. Through in-depth interviews, he learns that many activists develop a religious framing of the abortion issue *after* they become involved in the movement, not before.

LGBT Activism and Identity

In her now classic study of how the Christian Right shaped the LGBT movement, Tina Fetner (2008) finds that the rhetoric of U.S. social movement organizations (SMOs) in the lesbian and gay movement changed overtime as the Christian anti-gay movement gained prominence in the late 1970s and 1980s (see also Stone 2019). The most notable shift is from claims about the similarities between homosexuals and heterosexuals to claims that gays and lesbians are victims of oppression at the hands of religious anti-gay activists and politicians.

Scholars have also documented how the gay rights movement has incorporated religious beliefs, practices, and rituals (O’Brien 2005). In his religious history of the AIDS epidemic, Anthony Petro (2015) documents how organizations like ACT UP, which led the Stop the Church campaign against the Catholic Church’s stance on condoms and homosexuality, also performed outreach within churches in minority communities. According to one survey of ACT UP members, nearly 40% identified as religious—even if the majority of those described

it as “their own personal religion” (Petro 2015:147). Over the course of the 1980s, gay-friendly churches, including the Metropolitan Community Church of San Francisco that became known as the “Pink and Purple Church,” were sites of activism, prayer, and healing (Gerber 2018). As Petro (2015:24) summarizes, “the [AIDS] crisis cannot be easily parsed along the lines of conservative and progressive or even religious and secular.”

Today, in virtually every major Christian denomination active in the United States, including many conservative ones, there have been efforts to implement church policies and practices that welcomed gay and lesbian members, and to support gay rights under the banner of Christian social justice (see Fuist, Cooper Stoll, and Kniss 2012; Moon and Tobin 2018; White 2015; Young 2021). In his study of progressive Catholic, Protestant, and Jewish groups, Todd Fuist (2016, 773) shows that the concept of “identity reconciliation”—which suggests there is something incompatible with being gay and being religious—is not always the best frame for understanding this relationship. He finds various strategies of which reconciliation is one, alongside what he dubs “selectives”—choosing when to disclose various aspects of identity—and “integrators” who do not perceive an identity conflict (see also Brekhus 2003). According to Pew Research Center (2013), for LGBT Americans who are religiously affiliated, only 33% say there is a conflict between their religious beliefs and sexual orientation. But in that same study, 50% of the general public perceive a conflict between being LGBT and being religious. This sense of incompatibility may be more perception than lived experience.

Pornography

Since 2016, I have been researching contemporary debates over pornography and its opponents and sympathizers (Burke, Forthcoming; Burke and Haltom 2020; Burke and MillerMacPhee 2020). I interviewed 90 people active across both sides of pornography debates and nearly all of them “toed the party line,” with answers that aligned themselves with what we would expect when it comes to anti- or pro-porn positions. Respondents who were straight, religious, and politically conservative opposed porn. Those who were queer, not religious, and politically liberally were more sympathetic.

It is easy to spot religion within conservative movements that have to do with sexual politics. In researching modern efforts to oppose pornography, even seemingly secular groups often have religious roots, and progressive commentators may write about this fact as a kind of “gotcha.” The national organization Exodus Cry, which has led the #TraffickingHub campaign to shut down the largest porn site Pornhub.com, touts itself as secular and non-partisan, but has come under scrutiny because its founders were members of the International House of Prayer (IHOPKC), the Kansas City-based conservative organization led by the dominionist pastor, Mike Bickle. Another powerful and technically nonreligious organization, the National Coalition on Sexual Exploitation (NCOSE), got its start in the 1960s as an ecumenical group of clergy calling themselves “Morality in Media.”

Yet religion in a sociological sense is, in fact, a way to understand both sides of pornography debates. Religion is a practice, something we do, rather than something we are. If we think of religion as a kind of embodied moral narrative (Ammerman 2021), we can see how both sides circulate belief systems that are affirmed by members within the movement without ever needing explicit confirmation. For the anti-porn movement, there is the belief that sexuality is largely black and white. There is good sex, and there is bad sex. For the formally religious faction of the anti-porn movement, norms surrounding monogamous, heterosexual marriage dictate right from wrong. But even for the formally nonreligious faction, including radical feminists and secular millennial men struggling with what they call “porn addiction,” norms about mutuality, reciprocity, and commitment shape beliefs about good versus bad sex. Sex work, including porn, is the bad kind of sex, always and inevitably.

For what I call the “porn positive” side of these debates, there are just as many assumptions about people’s sexual beliefs, many of which center around inclusivity. The phrase “don’t yuck someone else’s yum,” was uttered time and again in my interviews and observations of events for porn workers and their allies. This side values and expects open-mindedness toward virtually any and all sexual activity so long as it involves consenting adults. This does not mean members of this movement are all kinky or queer, but it does mean that members of this movement are expected to be accepting of those who are. What is

touted as a radical acceptance, though, excludes those who are themselves narrow-minded in their beliefs about sex. The phrase “all are welcome” in fact would not be true for the anti-porn feminist or evangelical. Proponents of porn reinforce distrust, disrespect, and hostility toward the other side. But digging deeper reveals more overlap than the polarizing rhetoric would have us presume.

A few years into my research, I wrote in my notes “Brené Brown is everywhere!” after conducting two interviews in two weeks—one with Andre Shakti who calls herself a “professional slut” and says she is “spiritual but not religious,” and one with Lizzy who works for a Christian anti-porn organization—where both respondents mentioned the social work professor turned famous self-help guru.¹ At the time, I happened to be immersed in *Rising Strong*, Brown’s (2015) third book. Of course, Brené Brown was not a part of my interview template. But overcoming shame—what launched Brown’s hugely successful career and the reason both interview participants found her work—was an important part of Andre Shakti and Lizzy’s stories to explain how they became involved in pornography debates.

For Andre Shakti, a sex worker and porn performer, overcoming shame meant acceptance of her polyamorous identity. She says that for years she was faking it—pretending and promising to be monogamous. At the same time that she began reading and learning about polyamory, she began her career as a sex worker, first as a stripper, then a porn performer, and then a professional dominatrix. Sex work, she says, helped her expand her understanding of healthy sexuality, helped set relationship boundaries, and ultimately enabled her to re-imagine her own polyamorous relationships.

For Lizzy, who told me that she struggles with an addiction to masturbation, she spent much of her teenage and young adult years faking the image of a good Christian girl, meaning she pretended not to have sexual feelings at all. All the while she was masturbating to sexual fantasies and feeling immense shame and guilt. Overcoming that shame meant accepting that her sexual desires do not make her a bad Christian, wife, or mother. But it did not mean that she indulged in

1. I use first and last name for interview participants who have given me permission to use their real name. When using a pseudonym, I use only a first name.

such desires. She tells me that in her eight years of marriage, she masturbated only once. Participating in a group I call True Intimacy's sex and pornography addiction recovery program, alongside therapy and books like Brené Brown's, have allowed her to accept and love herself and set boundaries for her sexual behavior.

If looking only at the outcome of Andre Shakti's and Lizzy's stories, we see two women who appear opposite from one another: a polyamorous queer sex worker and a Christian wife and mother who speaks out against pornography and masturbation. Yet, they face pressures from the shared social world in which we live, and they both push back in their own ways, according to their distinct worldviews. Andre Shakti rejects the pressure and accompanying shame of monogamy. Lizzy rejects the pressure and accompanying shame of female chastity and silence surrounding sexuality. Both sides of the porn wars attempt to make room for alternatives beyond and outside of dominant sexual scripts.

These parallels do not mean that we must find the values that guide Andre Shakti and Lizzy to be equally valid. It is not the difference of preference, one flavor of ice cream over another. When it comes to sex, there is no equal playing field (Moussawi and Vidal-Ortiz 2020). Sex wars are fought within a broader context of American history where people like Lizzy—white straight conservative Christians—have been calling the shots when it comes to both norms and laws related to sexuality (Jakobsen and Pellegrini 2004; Stone 2017; Sumerau and Cragun 2018). Because their goals generally align with cultural standards of what is sexually normal and desirable, activists within the anti-pornography movement have not, for the most part, faced violence, discrimination, or mistreatment. Sex workers and their allies, especially queer people of color, have (Voss 2015). And yet, the shared experience of striving for authenticity amidst social pressures deserves recognition. Across all of the interviews I conducted, the problem named was never simply or only pornography. The real challenge was much deeper and bigger: how to achieve an authentic and fulfilling life, which both sides recognized as a shared goal.

A False Dichotomy

The assumption that religion is always and inevitably in conflict with sexual liberalism makes it appear as if only two mutually exclusive options exist, when in fact overlap and alternatives exist. Why does this false dichotomy persist? Janet Jakobsen (2020:37) argues that making religion synonymous with sexual conservatism is a political strategy. As she describes,

In writing the usual story, religion is first separated from other social relations (nationalism, race, and economics, for a start) that organize sexual politics in the United States. Once religion is disembedded from these intertwined relations, it can be consolidated to represent a single thing—sexual conservatism—and placed in opposition to sexual liberation. Disembedding religion allows it to be the “cause” of sexual conservatism, so that politicians from both major political parties can attribute their more or less conservative stances to religiosity (whether based on their own commitments or the conservative politics attributed to voters). And both religious conservatives and sexual liberationists can focus on religion as the appropriate framework for discussing sexual politics.

The problem with this usual story, as Jakobsen names it, is that it assumes nonreligion as the path to sexual freedom, and thus dismisses two important realities: (1) that religion has long been incorporated in progressive sexual politics, as examples of abortion rights and AIDS activism showcase, and (2) that nonreligion is not always linked to sexual liberalism, and it can be used as a strategy to advance a conservative agenda.

As Jakobsen (2020:39) argues, linking nonreligion with sexual freedom has “politically potent simplifications.” She uses a series of Supreme Court decisions announced in a single week in June of 2013 as case and point. On Monday, the Court released its decision that offered a warning about affirmative action; on Tuesday, a decision that overturned a law expanding voter rights; and on Wednesday, the court announced its decision in *United States v. Windsor*, the case that partially

struck down the federal Defense of Marriage Act (DOMA), paving the way for the court to recognize same-sex marriage two years later. The media focused on that last decision announced to make sweeping statements about all of the progress toward freedom that had been made that day, overlooking the limitations to freedom enacted earlier in the week.

Extending marriage rights, as many queer scholars have argued, will not fundamentally alter the systemic inequalities, for which black and brown people, many immigrants, and those living in poverty face the greatest obstacles (Ferguson 2004; Johnson et al. 2005; Kandaswamy 2008; Moussawi and Vidal-Ortiz 2020). But, importantly, extending marriage rights to same-sex couples allows the state to appear progressive when it comes to some sexual politics but also not actually side with any radical notion of sexual freedom. Jakobsen calls this “mobility for stasis,” where the more progress that appears to be made, the more things stay the same. In an earlier book, Jakobsen and her co-author Ann Pelegrini (2004) argue that this is because, when it comes to gender and sexuality especially, the state has aligned itself with white Protestant values. This is not to say that the state is religious in disguise, exactly, but rather that history has cemented whiteness and Protestant beliefs within contemporary nationalism (see Braunstein 2019; Butler 2021; Gaston 2019; Whitehead and Perry 2020).

Conclusion: A Different Story

Returning to the *Shahar v. Bowers* case offers an opportunity to alter the dominant narrative of the relationship between religion, sexuality, and the state. In this case, as is true in many others, the state opposed Shahar’s free exercise of religion claim and defended sexual conservatism, in reference to state law, specifically Georgia’s sodomy laws. Sodomy laws date back to the 19th century when states passed them in order to codify into law acceptable social standards of sexuality, which were rooted in Christian values. Yet historians have demonstrated that in the 19th century, sodomy laws were primarily used to enforce the criminalization of non-consensual sex, not same-sex sexual activity specifically (Weinmeyer 2014). In the 1950s, even amidst

McCarthyism and the “Lavender Scare,” the organization responsible for drafting the Model Penal Code (MPC) that states often use to draft their criminal laws removed consensual sodomy from its list of crimes. Still, by 1968, every state except Illinois had sodomy laws on the books (Andersen 1997).

By the time Robin Joy Shahar’s case was before the court in the 1990s, Georgia’s sodomy laws were rarely enforced. The most notable exception was the arrest of Michael Hardwick, which led the Supreme Court to uphold the constitutionality of sodomy laws in *Bowers v. Hardwick*. Hardwick was arrested in his home, when a police officer barged in to serve an unrelated warrant from weeks earlier and found Hardwick having sex with a male friend (Eskridge 2008). The Supreme Court eventually ruled that the state could—based on what it called “tradition and history,” not religious doctrine—effectively criminalize homosexuality. The Eleventh Circuit Court proceeding over *Shahar v. Bowers*—regardless of their personal or legal viewpoint of homosexuality or gay rights—ruled against Shahar, since overturning sodomy laws was not the task before the court. As the court established in its landmark 1990 decision, *Employment Division v. Smith*, an individual’s religious beliefs are typically not an adequate reason to break the law. Whether that will remain the case with the rise of religious exemption laws and litigation is yet to be determined (Corvino, Anderson, and Girgis 2017).

Shahar v. Bowers is an example of how the state appears to be ruling in the service of protecting against the over-extension of religious beliefs in public life, yet is in fact reinforcing an underlying conservative Protestant logic. The Supreme Court has only relatively recently ruled to protect LGBT people from discrimination like that faced by Shahar and Hardwick—with its landmark 2003 decision in *Lawrence v. Texas*, which overturned *Bowers v. Hardwick* and outlawed sodomy laws, and its 2015 decision in *Obergefell v. Hodges*, which extended marriage rights to same-sex couples across the United States (Richman 2010).

Michael Bowers ended up resigning from his position as Attorney General for an unsuccessful run for governor in 1998. Just one week after the ruling in the Shahar case, Bowers told the public that he had a decade-long affair with a woman on his staff (Barrett 1997).

Needless to say, the career Republican was not elected governor. In 2015, though, Bowers was hired on by Georgia Equality, the state's largest LGBT rights organization, to oppose religious liberty bills that were being considered by the state legislature. He adamantly opposed these bills, concerned that their vague language "will permit everyone to become a law unto themselves in terms of deciding what laws they will or will not obey, based on whatever religious tenets they may profess or create at any given time" (Galloway 2015). Bowers cited KKK activity, and how Klansmen historically used religion to justify their behavior. While Bowers stands in opposition in many ways to the Georgia Equality organization and LGBT rights activists, they in fact are united in their opposition to Georgia's religious liberty bills.

While conservative religion often fights against progressive sexual politics in contemporary America, this "usual story" is fractured and destabilized by people navigating the relationship between religion and sexuality as complex social creatures, not pundits or caricatures. The task at hand for sociologists of religion is to ask research questions that tend to these complexities rather than contribute to polarizing rhetoric. The good news is that this work is already under way, especially in qualitative research and disciplines outside of sociology (history, religious studies, ethnic studies, and women's and gender studies) that historicize the variables of sexuality and religion. Regardless of method or discipline, the study of the relationship between religion and sexuality has the potential to answer a number of meaningful questions: How do identity categories become meaningful? How do in-groups and out-groups develop and change? How do certain kinds of beliefs become polarized, while others do not? And what are the effects of broad ideologies on people's lived experiences? Answers to such questions will reveal lessons on the nature of religion in American life.



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References

- Adler, Gary J. Jr., Selena E. Ortiz, Eric Plutzer, Damon Mayrl, Jonathan S. Coley, and Rebecca Sager. 2021. "Religion at the Frontline: How Religion Influenced the Response of Local Government Officials to the COVID-19 Pandemic." *Sociology of Religion* 82(4): 397-425.
- Ammerman, Nancy Tatom. 2021. *Studying Lived Religion: Contexts and Practices*. New York: New York University.
- Andersen, Ellen Ann. 1997. "The Stages of Sodomy Reform." *Thurgood Marshall Law Review* 23: 283-319.
- Avishai, Orit, Afshan Jafar, and Rachel Rinaldo. 2015. "A Gender Lens on Religion." *Gender & Society* 29(1): 5-25.
- Barrett, Paul M. 1997. "Bowers Refused to Hire a Lesbian, Then Got Caught as an Adulterer." *Wall Street Journal*, June 20.
- Barron, Jessica M., and Rhys H. Williams. 2017. *The Urban Church Imagined: Religion, Race, and Authenticity in the City*. New York: New York University Press.
- Bellah, Robert N., Richard Madsen, William M. Sullivan, Ann Swidler, and Steven M. Tipton. 1985. *Habits of the Heart: Individualism and Commitment in American Life*. Berkeley: University of California Press.
- Benford, Robert D., and David A. Snow. 2000. "Framing Processes and Social Movements: An Overview and Assessment." *Annual Review of Sociology* 26: 611-39.
- Biskupic, Joan. 1998. "Justices Reject Case of Lesbian Denied State Job." *Washington Post*, January 13.
- Braunstein, Ruth. 2019. "Muslims as Outsiders, Enemies, and Others: The 2016 Presidential Election and the Politics of Religious Exclusion." In *Politics of Meaning/Meaning of Politics: Cultural Sociology of the 2016 U.S. Presidential Election*, edited by Jason L. Mast and Jeffrey C. Alexander, 185-206. Cham, Switzerland: Palgrave Macmillan.
- Braunstein, Ruth, Todd Nicholas Fuist, and Rhys H. Williams, eds. 2017. *Religion and Progressive Activism: New Stories about Faith and Politics*. New York: New York University Press.
- Brekhus, Wayne H. 2003. *Peacocks, Chameleons, Centaurs: Gay Suburbia and the Grammar of Social Identity*. Chicago: University of Chicago Press.
- Brown, Brené. 2015. *Rising Strong: How the Ability to Reset Transforms the Way We Live, Love, Parent, and Lead*. New York: Random House.
- Bruce, Tricia C. 2020. "The 2019 H. Paul Douglass Lecture: I Can't Keep Quiet: Engaging with Scholarly Research on Religion." *Review of Religious Research* 62(3): 397-411.
- Burke, Kelsy. 2016. *Christians Under Covers: Evangelicals and Sexual Pleasure on the Internet*. Berkeley: University of California Press. <http://digitalcommons.unl.edu/sociologyfacpub/688>

- . (Forthcoming). *The Pornography Wars: The Past, Present, and Future of America's Obscene Obsession*. New York: Bloomsbury.
- Burke, Kelsy, and Trenton Haltom. 2020. "Created by God and Wired to Porn: Redemptive Masculinity and Gender Beliefs in Narratives of Religious Men's Pornography Addiction Recovery." *Gender & Society* 34: 233–58. <http://digitalcommons.unl.edu/sociologyfacpub/691>
- Burke, Kelsy, and Amy McDowell. 2021. "White Women Who Lead: God, Girlfriends, and Diversity Projects in a National Evangelical Ministry." *Sociology of Race and Ethnicity* 7(1): 86–100. <http://digitalcommons.unl.edu/sociologyfacpub/690>
- Burke, Kelsy, and Alice MillerMacPhee. 2020. "Constructing Pornography Addiction's Harms in Science, News Media, and Politics." *Social Forces* 99(3): 1334–62. <http://digitalcommons.unl.edu/sociologyfacpub/770>
- Burke, Mary C., and Mary Bernstein. 2014. "How the Right Usurped the Queer Agenda: Frame Co-optation in Political Discourse." *Sociological Forum* 29(4): 830–50.
- Butler, Anthea. 2021. *White Evangelical Racism: The Politics of Morality in America*. Chapel Hill: University of North Carolina Press.
- Coley, Jonathan S. 2020. "Reframing, Reconciling, and Individualizing: How LGBTQ Activist Groups Shape Approaches to Religion and Sexuality." *Sociology of Religion* 81(1): 45–67.
- Corvino, John, Ryan T. Anderson, and Sherif Girgis. 2017. *Debating Religious Liberty and Discrimination*. Oxford: Oxford University Press.
- Eskridge Jr., William N. 2008. *Dishonorable Passions: Sodomy Laws in America 1861–2003*. New York: Viking.
- Ferguson, Roderick A. 2004. *Aberrations in Black: Toward a Queer of Color Critique*. Minneapolis: University of Minnesota Press.
- Fetner, Tina. 2008. *How the Religious Right Shaped Lesbian and Gay Activism*. Minneapolis: University of Minnesota Press.
- Fitzgerald, Frances. 2017. *The Evangelicals: The Struggle to Shape America*. New York: Simon and Schuster.
- Frank, Gillian A., Bethany Moreton, and Heather R. White, eds. 2018. *Devotions and Desires: Histories of Sexuality and Religion in the Twentieth-Century United States*. Chapel Hill: University of North Carolina Press.
- Fuist, Todd Nicholas. 2016. "'It Just Always Seemed Like it Wasn't a Big Deal, Yet I Know for Some People They Really Struggle with It:' LGBT Religious Identities in Context." *Journal for the Scientific Study of Religion* 55(4): 770–86.
- Fuist, Todd N., Laurie Cooper Stoll, and Fred Kniss. 2012. "Beyond the Liberal-conservative Divide: Assessing the Relationship between Religious Denominations and Their Associated LGBT Organizations." *Qualitative Sociology* 35(1): 65–87.
- Galloway, Jim. 2015. "A One-time Foe Takes on 'Religious Liberty' Bills for Gay-rights Group." *Atlanta Journal Constitution*, February 21.
- Gaston, K. Healan. 2019. *Imagining Judeo-Christian America: Religion, Secularism, and the Redefinition of Democracy*. Chicago: University of Chicago Press.

- Gerber, Lynne. 2018. "We Who Must Die Demand a Miracle: Christmas 1989 at the Metropolitan Community Church of San Francisco" In *Devotions and Desires: Histories of Sexuality and Religion in the Twentieth-Century United States*, edited by Gillian A. Frank, Bethany Moreton, and Heather R. White, 253–76. Chapel Hill: University of North Carolina Press.
- Griffith, R. Marie. 2017. *Moral Combat: How Sex Divided American Christians and Fractured American Politics*. New York: Basic Books.
- Hannon, Sherene D. 1999. "License to Oppress: The Aftermath of *Bowers v. Hardwick* Is Still Felt Today: *Shahar v. Bowers*." *Pace Law Review* 19(3): 507–48.
- Higginbotham, Evelyn Brooks. 1993. *Righteous Discontent: The Women's Movement in the Black Baptist Church, 1880–1920*. Cambridge, MA: Harvard University Press.
- Jakobsen, Janet R. 2020. *The Sex Obsession: Perversity and Possibility in American Politics* New York: New York University Press.
- Jakobsen, Janet R., and Ann Pellegrini. 2004. *Love the Sin: Sexual Regulation and the Limits of Religious Tolerance*. Boston: Beacon Press.
- Jelen, Ted G., and Clyde Wilcox. 2003. "Causes and Consequences of Public Attitudes toward Abortion: A Review and Research Agenda." *Political Research Quarterly* 56(4): 489–500.
- Johnson, E. Patrick, Mae G. Henderson, Sharon Patricia Holland, and Cathy J. Cohen, eds. 2005. *Black Queer Studies: A Critical Anthology*. Durham, NC: Duke University Press.
- Lewis, Andrew R. 2017. *The Rights Turn in Conservative Christian Politics: How Abortion Transformed the Culture Wars*. Cambridge, UK: Cambridge University Press.
- Lowe, Jeremy C. 1999. "Homosexual Discrimination and Government Employment: *Shahar v. Bowers*—the Government Employers' Shield of Public Animosity." *Washington University Journal of Urban and Contemporary Law* 55: 191–234.
- Luker, Kristin. 1984. *Abortion and the Politics of Motherhood*. Berkeley: University of California Press.
- . 2006. *When Sex Goes to School: Warring Views on Sex—and Sex Education—Since the Sixties* New York: W. W. Norton & Company.
- Kandaswamy, Priya. 2008. "State Austerity and the Racial Politics of Same-Sex Marriage in the US." *Sexualities* 11(6): 706–25.
- Kazyak, Emily, Kelsy Burke, Maia Behrendt, and Lora McGraw. 2020. "Religious Exemption, LGBTQ Rights, and the Social Construction of Harm and Freedom." Presentation at the American Sociological Association Annual Meeting.
- Martí, Gerardo. 2020. *American Blindspot: Race, Class, Religion, and the Trump Presidency*. Lanham, MD: Rowman & Littlefield.
- Masci, David. 2018. "American Religious Groups Vary Widely in their Views of Abortion." Pew Research Center. <https://www.pewresearch.org/fact-tank/2018/01/22/american-religious-groups-vary-widely-in-their-views-of-abortion/>

- McCammon, Holly J., Courtney Sanders Muse, Harmony D. Newman, and Teresa M. Terrell. 2007. "Movement Framing and Discursive Opportunity Structures: The Political Successes of the U.S. Women's Jury Movements." *American Sociological Review* 72(5): 725-49.
- Moon, Dawne. 2004. *God, Sex, and Politics: Homosexuality and Everyday Theologies*. Chicago: University of Chicago Press.
- Moon, Dawne, and Theresa W. Tobin. 2018. "Sunsets and Solidarity: Overcoming Sacramental Shame in Conservative Christian Churches to Forge a Queer Vision of Love and Justice." *Hypatia* 33: 451-68.
- Moussawi, Ghassan, and Salvador Vidal-Ortiz. 2020. "A Queer Sociology: On Power, Race, and Decentering Whiteness." *Sociological Forum* 35(4): 1272-89.
- Munson, Ziad W. 2008. *The Making of Pro-life Activists: How Social Movement Mobilization Works*. Chicago: University of Chicago Press.
- O'Brien, Jodi. 2005. "How Big Is Your God? Queer Christian Social Movements." In *Genealogies of Identity: Interdisciplinary Readings on Sex and Sexuality*, edited by Margaret Sönsner Breen and Fiona Peters. Amsterdam: Rodopi.
- Oyakawa, Michelle. 2019. "Racial Reconciliation as a Suppressive Frame in Evangelical Multiracial Churches." *Sociology of Religion* 80(4): 496-517.
- Petro, Anthony M. 2015. *After the Wrath of God: AIDS, Sexuality, and American Religion*. New York: Oxford University Press.
- Pew Research Center. 2013. "A Survey of LGBT Americans: Attitudes, Experiences and Values in Changing Times." Pew Research Center, June 13. <https://www.pewresearch.org/social-trends/2013/06/13/a-survey-of-lgbt-americans/>
- Pitt, Richard N. 2010. "'Still Looking for my Jonathan': Gay Black Men's Management of Religious and Sexual Identity Conflicts." *Journal of Homosexuality* 57: 39-53.
- Pratt, Tia Noelle. 2014. "Catholic Young Adults' Attitudes Toward the Church's Pro-Life Teachings: A Bellwether for the Church's Political Strategy?" *Interdisciplinary Journal of Research on Religion* 10: 1-21.
- Rao, Aliya Hamid. 2015. "Gender and Cultivating the Moral Self in Islam: Muslim Converts in an American Mosque." *Sociology of Religion* 76(4): 413-35.
- Richman, Kimberly D. 2010. *Courting Change: Queer Parents, Judges, and the Transformation of American Family Law*. New York: New York University Press.
- Roof, Wade Clark. 1999. *Spiritual Marketplace: Baby Boomers and the Remaking of American Religion*. Princeton, NJ: Princeton University Press.
- Schnoor, Randal F. 2006. "Being Gay and Jewish: Negotiating Intersecting Identities." *Sociology of Religion* 67(1): 43-60.
- Siraj, Asifa. 2012. "'I Don't Want to Taint the Name of Islam': The Influence of Religion on the Lives of Muslim Lesbians." *Journal of Lesbian Studies* 16(4): 449-67.
- Stein, Arlene. 2001. *A Stranger Next Door: The Story of a Small Community's Battle Over Sex, Faith, and Civil Rights*. Boston: Beacon Press.

- Stone, Amy L. 2019. "Frame Variation in Child Protectionist Claims: Constructions of Gay Men and Transgender Women as Strangers." *Social Forces* 97(3): 1155-76.
- Stone, Geoffrey R. 2017. *Sex and the Constitution*. New York: Norton.
- Sumerau, J. E., and Ryan T. Cragun. 2018. *Christianity and the Limits of Minority Acceptance in America: God Loves (Almost) Everyone*. Lanham, MD: Rowman & Littlefield.
- Sumerau, J. E., Lain A. B. Mathers, and Nik Lampe. 2019. "Learning from the Religious Experiences of Bi+ Trans People." *Symbolic Interaction* 42(2): 179-201.
- The Trevor Project. 2020. "National Survey on LGBTQ Youth Mental Health." <https://www.thetrevorproject.org/wp-content/uploads/2020/07/The-Trevor-Project-National-Survey-Results-2020.pdf>
- Trumpy, Alexa. 2021. "Based on a True Story: The Use of Conversion Stories in Social Movements." *Social Movement Studies*, <https://doi.org/10.1080/14742837.2021.1967120>
- Valenti, Alix, 2021. "LGBT Employment Rights in an Evolving Legal Landscape: The Impact of the Supreme Court's Decision in *Bostock v. Clayton County, Georgia*." *Employee Responsibilities and Rights Journal* 33(1): 3-23.
- van Klinken, Adriaan. 2015. "Queer Love in a 'Christian Nation': Zambian Gay Men Negotiating Sexual and Religious Identities." *Journal of the American Academy of Religion* 83(4): 947-64.
- Voss, Georgina. 2015. *Stigma and the Shaping of the Pornography Industry* New York: Routledge.
- Weinmeyer, Richard. 2014. "The Decriminalization of Sodomy in the United States." *AMA Journal of Ethics* 16(11): 916-22.
- White, Heather R. 2015. *Reforming Sodom: Protestants and the Rise of Gay Rights*. Chapel Hill: University of North Carolina Press.
- Whitehead, Andrew L., and Samuel L. Perry. 2020. *Taking America Back for God: Christian Nationalism in the United States*. New York: Oxford University Press.
- Wilcox, Melissa M. 2002. "When Sheila's a Lesbian: Religious Individualism among Lesbian, Gay, Bisexual, and Transgender Christians." *Sociology of Religion* 63(4): 497-513.
- . 2003. *Coming Out in Christianity: Religion, Identity, and Community*. Bloomington: Indiana University Press.
- . 2009. *Queer Women and Religious Individualism*. Bloomington: Indiana University Press.
- Wilde, Melissa J. 2018. "Complex Religion: Interrogating Assumptions of Independence in the Study of Religion." *Sociology of Religion* 79(3): 287-98.
- Woodell, Brandi, Emily Kazyak, and D'Lane Compton. 2015. "Reconciling LGB and Christian Identities in the Rural South." *Social Sciences* 4(3): 859-78.
- Wuthnow, Robert. 1998. *After Heaven: Spirituality in America since the 1950s*. Berkeley: University of California Press.

- Yip, Andrew Kam-Tuck. 2002. "The Persistence of Faith among Nonheterosexual Christians: Evidence for the Neosecularization Thesis of Religious Transformation." *Journal for the Scientific Study of Religion* 41(2): 199-212.
- Young, Luther. 2021. "To Condemn or Not to Condemn: Perceived Climates Concerning Sexual Orientation in Black Churches." *Sociology of Religion*. <https://doi.org/10.1093/socrel/srab03>
- Yukich, Grace, and Penny Edgell, eds. 2020. *Religion Is Raced: Understanding American Religion in the Twenty-First Century*. New York: New York University.