Introduction

Religious theory is rarely thought of as government work. Instead, the world assigns academia the difficult task of navigating religious quandaries and often doubts their applicability to real-world debates. However, whenever religion enters the political realm, as it so often does, government officials cannot help but engage in religious theory. They must answer questions like: What is religion? Which religions and religious practices fall under constitutional protection? And, how does a secular state negotiate its inevitable entanglement with religious institutions and organizations? Each of these questions requires specific attention to religious theory, and since religion is understood to be an object of legal and political debate in the U.S., these questions cannot be avoided. To reach solutions for how to handle each of these matters, the government must debate definitions of religion, the nature of religious practice and ritual, and the role religion should play in the world. Although we cannot deny that academia certainly

Charitable Choice, a blanket term for “several laws that President Clinton signed into law” from 1996-2000, allowed four federal programs – including Temporary Assistance to Needy Families (TANF), the Community Service Block Grant (CSBG), the Substance Abuse and Mental Health Services Administration (SAMHSA), and the Welfare-to-Work program – to fund religious social service organizations.

were responsible for engaging with several matters in U.S. domestic policy, from spearheading educational programs meant to expand the influence of religion in American communities to safeguarding the neutrality of policy determinations regarding religious organizations and institutions in the U.S. However, the centers, much like Charitable Choice, are most known for their role in expanding pathways to provide federal funding to faith-based social service organizations. The Faith-Based and Community Initiative expanded well beyond the four departments and programs included in Charitable Choice, bringing federally funded faith-based programs into executive agencies such as the Department of Homeland Security, USAID, and many more. Moreover, the faith-based initiative has maintained its influence in American domestic and international policy, as it was adopted and re-shaped by each presidential administration following President Bush's two terms. President Biden has been the most recent to re-

under the control of the state.[9] On the contrary, the second face, or "good" religion, promotes religion as a "common international good through humanitarian campaigns, transitional justice efforts, and so on."[10] Moreover, this face is defined "by extraordinary acts of sacrifice and compassion" demonstrated by religious individuals and religious communities such as "caring for the sick, disabled, and destitute" which are viewed as invaluable to the welfare of the state.[11] Because of this inherent common good aspect that is unique to religion, the state is expected to harness and facilitate religion for the good of its citizens while also carefully avoiding the potential of uncontrollable religious fanaticism.[12] As a result, the reduction of religion to discourses of "good" and "bad," leaves the modern secular state with the nearly impossible task of determining what exactly good religion is and how to promote it without falling victim to bad religion or bad religious actors. This dilemma, Hurd argues, is the "distinguishing feature of modern secular power."[13]

Although the faith-based initiative received strong bipartisan support throughout most of Bush's presidency, confusion reigned over the initiative's constitutionality and the ability of faith-based organizations to effectively target American social ills such as addiction, poverty, and crime. From the inception of the initiative, most policymakers adopted a similar framework of "good" religion as it was described by Hurd's work. For example, we see throughout this thesis that Bush and his administration largely framed religious social service organizations and their volunteers as inherently good actors. As a result, the support of faith-based organizations, no matter their religious affiliation, was assumed to be an inherently good move for the welfare

[9] Ibid, 23.
[10] Ibid, 24.
[11] Ibid, 24.
[12] Ibid, 24.
[13] Ibid, 11.

of American society. Despite this agreement, policymakers still struggled to remedy the constitutional tensions that the faith-based initiative presented to the First Amendment principles of free exercise and disestablishment. Because the faith-based initiative's primary goal was to fund, and therefore uplift and expand, the work of faith-based organizations, there was a fine line to be drawn between promoting the free exercise of these organizations by allowing them to maintain some of their religious character and directly funding religious proselytization. In order to negotiate these tensions, debates surrounding the initiative were pushed down to the program level. In so doing, policymakers adopted similar frameworks of "good" and "bad" and attempted to measure their applicability through two primary discourses: one focused on the constitutionality of the faith-based initiative and the other on the effectiveness of faith-based programs. In other words, within the negotiations of the FBCI, "good" religion ultimately came to encompass faith-based organizations that provided effective social services without violating the Constitution. On the other hand, "bad" religion came to encompass faith-based programs that either failed to do their work effectively or did so in a way that made it impossible for the federal government to fund them without violating the Constitution.

However, it is within the two discourses of constitutionality and effectiveness at the program level that debates surrounding the initiative become increasingly messy. By reducing the discourses of constitutionality and effectiveness down to either "good" or "bad" frameworks of analysis, policymakers oversimplify the inevitable complexities of entangling religion with federal government domestic policy. These complexities lie within the difficulties of measuring and answering questions such as: What is free exercise? What constitutes government establishment of religion? What are the risks of overregulating or under regulating free exercise? And, how do we measure the effectiveness of a religious social service? In attempts to answer

these questions, policymakers are ultimately left with four possible evaluations of the constitutionality of the initiative and its benefits to American social welfare. These four evaluations are as follows: 1) the faith-based initiative is constitutional and good for the welfare of American citizens, 2) the faith-based initiative is constitutional but potentially bad for the

orders as they relate to the four different perspectives and conclusions drawn on the initiative's stakes regarding American constitutionality and societal welfare. Lastly, I home in on two debates within congressional hearings surrounding the issue of religious therapy and faith-based healing. This section displays policymakers' true difficulty in navigating questions of religious theory as they relate to the Bush administration's faith-based initiative and American societal welfare and constitutionality more broadly. In conclusion, I present Bush's faith-based initiative as just one clear example of the difficulties religion presents to American domestic policy.

Section I- The Good and The Good: Bush and His Administration's Discursive Approach to the White House Office of Faith-Based and Community Initiatives

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Executive Order 13199 arose out of President Bush's adamant belief that faith-based social service programs and organizations existed at the heart of helping "Americans rally to the aid of their neighbors in need."[14] Calling the FBCI the "Quiet Revolution," Bush argued that Executive

This use of militaristic rhetoric and depiction of faith-based organizations as necessary tools of societal healing bolstered the common good discourse surrounding religion in America. We see later on that, as a result of this "good" framework of religion, many policymakers faced difficulties in negotiating religion's inherently "good" impacts on societal welfare with the challenges the faith-based initiative presented to American constitutionality. Along with these challenges, a competing discourse emerged that featured a reluctance and fear towards the federal government's uncritical sponsorship of religious social service programs. In many ways, it pumped the brakes on Bush's faith-based and community initiative, drawing attention not to the necessary good that religion can provide to society but rather to the constitutional complexity of the initiative itself. It is within this discourse where debates surrounding the line between promoting free exercise and breaching government establishment of religion take place. As a result, President Bush's faith-based initiative revealed constant tension and overlap between two discursive interpretations of religion. The first celebrates it, often wholeheartedly accepting religion and deeming it the only solution to America's greatest social distresses, as we witness here in the inception of the initiative. The second, however, was reluctant to accept religion with entirely open arms, viewing a lack of restriction and careful regulation as a potentially grave threat to American constitutionality.

A Constitutional Argument for Leveling the Unlevel Playing Field

On the same day as his signing of E.O. 13199, Bush signed Executive Order 13198, which established five Executive Department Centers for Faith-Based and Community Initiatives (CFBCI) at the Departments of Health and Human Services, Housing and Urban Development,

Justice, Education, and Labor.[24] These two executive orders aimed to conduct the "first ever audit of Federal programs undertaken by the newly-created Faith-Based & Community Initiatives" in order to identify "all existing barriers to the participation of faith-based and other community organizations in the delivery of social and community services.'"[25] The audit resulted in a Department of Justice report entitled *Unlevel Playing Field*, which ultimately outlined numerous barriers, biases, and general federal governmental negligence in supporting faith-based and community organizations. Within the findings of this report, there is a clear effort to argue that there has been prior unequal treatment of faith-based organizations when applying for federal funding. As a result, the report established Bush's faith-based initiative as a way to address the government's encroachment on organizational and institutional free exercise rights. Consequently, the *Unlevel Play Field* report--

Despite a noticeable turn in U.S. Supreme Court decisions leaning towards "evenhandedness and pluralism" related to federal funding for faith-based organizations, government officials at the federal, state, and local levels were found to maintain a "no-aid, strict separationist framework that permitted Federal funding only of religiously affiliated organizations offering secular services in a secularized setting."[27] As a result, religiously affiliated organizations were far less likely to receive government funding for their social service programs, establishing a precedent of unequal regard for the funding of faith-based organizations. Even more troublesome, the audit found that some federal grant programs, such as one spearheaded by HUD, excluded faith-based organizations entirely from applying for funding, labeling "'religious organizations or ones that have religious purposes'" as ineligible recipients in its program handbook.[28] These two barriers in particular not only fueled constitutional justifications for the creation of the FBCI but also its continual expansion throughout Bush's administration.

Bush's executive orders targeted the next three barriers in order to expand the religious rights of faith-based organizations in applying for, receiving, and maintaining federal government funding. For example, the third barrier exposed "excessive restrictions on religious activities," or, in the words of the report, "requiring faith-based providers to endure something akin to an organizational strip-search" to approve federal grant awards and maintain them.[29] For example, some programs located in houses of worship were "locally pressured to remove or

orders surrounding the FBCI and are consistently presented as unconstitutional restrictions on the free exercise of religious organizations. Similarly, “HUD regulations for Community Development Block Grants, among other programs, expressly required religious organizations not only to agree to avoid giving ‘religious instruction or counseling’ but even to affirm that they will ‘exert no religious influence’ at all in providing the Federally funded assistance.”[31]

Lastly, the audit found that some federal executive agencies were thwarting Charitable Choice legislation. Charitable Choice, to recap, was "crafted in the mid-1990s, under the Clinton Administration, to remedy overly restrictive rules and confusion about the constitutional requirements" of federal agencies interacting with and funding faith-based social service organizations.[34] It was meant to safeguard the religious character of faith-based social service organizations by responding "point by point to various inappropriate restrictions by explicitly protecting religious charities from pressures to secularize their programs, abandon their religious character, or sacrifice their autonomy."[35] Similarly, Charitable Choice was meant to "replace government suspicion of religious providers with a welcoming environment by giving a 'green light' to expanded collaboration with Government" and making government and religious partnerships increasingly possible.[36] However, several agencies such as HHS were found to ignore the Charitable Choice requirements in their entirety when providing guidance to states on how to properly inform faith-based grant beneficiaries. This barrier in particular supported arguments that Charitable Choice alone clearly was not enough to combat the unequal constitutional treatment of faith-based social service organizations applying for federal aid. Therefore, the Bush administration presented the faith-based initiative as an additional safety measure to ensure the free exercise rights of faith-based organizations, supportus priv3/deas2 (e)4 .4(if)-11 (ai)-

one sees important clarifications regarding the rights of faith-based organizations, the purpose of the centers created, and regulations necessary to keep the initiative in line with constitutional requirements of the free exercise clause and establishment clause. Each of these clarifications imply, either explicitly or implicitly, certain limitations of, or freedoms granted to, faith-based social service organizations, uncovering the Bush administration's interpretations of proper balance between supporting the right of religious exercise while simultaneously avoiding government establishment of religion.

Additionally, these orders resemble the discursive approaches to the faith-based initiative discussed above, either choosing to address the beneficence of the program and its inherent good or choosing to address the constitutional shortcomings of it. In Executive Order 13199, for example, rhetoric resembling Bush's common good discourse can be found in the opening lines, establishing the faith-based initiative as a saving grace for American society. As a result, the order focuses its attention to strengthening the initiative's influence and, ultimately, religion's influence in policy and society. On the contrary, E.O. 13279 spends very little time acknowledging the common good aspects of religion and the faith-based initiative and instead devotes all of its time to clarifying the initiative's constitutional complexities. For example, E.O. 13279 addresses important questions of religious theory such as: What does the government consider to be religious practice? And, where must we draw the line between free exercise and establishment so as to promote the free exercise rights of organizations while avoiding government proselytization? I argue the contrasts between these two orders reflect the administration's impulse – and, later, policymakers' impulses – to highlight the frameworks of "good" religion as it applies directly to the initiative's impact on American constitutionality and societal welfare. Due to the inherent difficulties of this pursuit, however, Executive Order 13279

specifically falls short in providing a clear picture of the initiative's impact on American constitutionality. This is a result of the order's attempts to either define and clarify important concepts, leave them vague, or neglect them in their entirety. Consequently, many of the constitutional lines it draws have been the subject of debate from the time the Executive Order was drafted to the present day.

Executive Order 13119: Purpose, Regulations, and Language

Unlike Bush's later Executive Order, E.O. 13279, Executive Order 13119 clearly exemplifies the Bush administration's eagerness to include and expand religion's role in governance and society. This particular document is much more imaginative and conceptual, focusing far less on policy clarifications and instead painting a picture of not only government acceptance of religion but also a call for the expansion of religious influence in government agencies. For example, Section I, labeled "Policy," mirrors Bush's discourse surrounding the importance of faith-based organizations and their unique ability to accomplish results unattainable by the federal government. It begins by acknowledging that faith-based organizations "are indispensable in meeting the needs of poor Americans and distressed neighborhoods."[37] Similarly, it argues that, although the government "cannot be replaced by" faith-based organizations, it "can and should welcome them as partners."[38] These two lines draw direct parallels to Bush's discourse surrounding the creation of the initiative, as he described faith-based organizations as neighborhood healers who were some of the few able to adequately meet the needs of poor and distressed Americans. Moreover, the ultimate purpose of the

[37] "Executive Order 13199 of January 29, 2001, Establishment of White House Office of Faith-Based and Community Initiatives. *Code of Federal Regulations*, title 3 (2001): 84999-8500.
[38] Ibid.

Executive Order is presented as achieving "compassionate results."[39] Again, this is nearly a direct quote from Bush, who emphasized the ability of faith-based organizations to target social ills over that of the federal government based upon religion's unique "monopoly on

The education of faith-based organizations, communities, and local, state and federal officials is highlighted numerous times in E.O. 13199 as a primary function of the White House Office of Faith-Based and Community Initiatives. For example, E.O. 13199 states the fourth function of the OFBCI is to "coordinate public education activities designed to mobilize public support for faith-based" initiatives through "volunteerism, special projects, demonstration pilots, and public-private partnerships."[41] Additionally, function (g) of the OFBCI is to provide "policy and legal education to State, local, and community policymakers and public officials" so as to "empower faith-based and other community organizations" and increase opportunities presented to them.[42] In these two tasks alone, one can see a clear effort to emphasize the expansion of faith-based initiatives through education and outreach. I argue that the choice phrase of "mobilizing public support" suggests an administrative goal to expand the influence of religion in communities. E.O. 13199 is one of the few federal documents where a function of the OFBCI is presented as mobilizing public support for faith-based organizations. Most later documents are careful to present Bush's faith-based initiative as nothing more than a tool to provide equal monetary support to faith-based social service programs as to secular ones, no doubt due to the later constitutional complexities that challenge the initiative's existence. Similarly, it is important to note that the OFBCI is not only tasked with educating policymakers but also communities themselves, encouraging the average American to utilize faith-based social service providers. One will not see any such language in E.O. 13279, as E.O. 13279 does not acknowledge the initiative's educational aspects at all, but instead focuses itself on addressing constitutional challenges the initiative presents to free exercise and establishment.

On top of education, administrative action and executive influence is possibly one of the most important functions of the White House Office of Faith-Based and Community Initiatives. The OFBCI was granted several authoritative abilities regarding policy, such as "ensuring Government policy decisions" consistent with the "President's stated goals with respect to faith-based and other community initiatives."[43] Similarly, function (f) designates the OFBCI to "bring concerns, ideas, and policy options to the President" in order to assist, strengthen, and replicate "successful faith-based…programs."[44] Lastly, function (h) designates the OFBCI to "develop and implement strategic initiatives under the President's agenda to strengthen the institutions of civil society and America's families and communities." All of these function together to essentially make the OFBCI a check on legislative policy. As a result, the OFBCI has the ability to directly report to the President if it feels any policy is harmful to faith-based organizations or the President's faith-based agenda and can introduce alternative policy options it sees as more favorable. I argue that this function increases the influence of religion in policy, as the OFBCI serves as a direct executive authority in checking and implementing policy which is favorable, or at least amicable towards, faith-based organizations.

Overall, the language in Executive Order 13199 is geared far more towards putting Bush's vision of the faith-based initiative into action than it is toward negotiating debates on the constitutionality of the initiative. Executive Order 13199 tells us two important things: 1) religion is in need of protection in policymaking and 2) the American public and all levels of government must be made aware of the positive influence that religion and religious individuals have in healing America's greatest social quandaries. Bush clearly viewed the White House Office of Faith Based and Community Initiatives as the starting point for accomplishing both of

[43] Ibid.
[44] Ibid.

out in constitutional debates surrounding the initiative's influence on free exercise and government establishment.

E.O. 13279 begins by citing the significance of the executive order itself as well as its overall purpose. Unlike E.O. 13199, however, Executive Order 13279 does not really speak to the benefits of faith-based social service organizations. Instead, it takes a much more secular tone, similar to the language presented in the *Unlevel Playing Field* report. In its opening lines, the purpose is stated as providing a "guide to Federal agencies in formulating and developing policies with implications for faith-based organizations and other community organizations" so as to ensure equal protection under the law for religious or secular social service programs.[45] From the start, one can observe the attempt to offer a constitutional justification, equal treatment under the law, as the overall purpose of E.O. 13279. Additionally, it argues that the assurance of equal treatment for faith-based and community organizations under the law will "further the national effort to expand opportunities for, and strengthen the capacity of, faith-based and other community organizations."[46] Therefore, its overall significance is its allowance for faith-based and other community organizations to "better meet social needs in America's communities and to ensure the economical and efficient administration and completion of Government contracts" by establishing equal regard for faith-based social service organizations.[47] Already, one can see a clear contrast in the language used in E.O. 13279 from that of its predecessor, 13199. As a result of this discursive shift, E.O. 13279 establishes a distinct relationship between the discourses of effectiveness and constitutionality. By creating clear constitutional guidelines, E.O. 13279 effectively contributes to the overall ability of faith-based organizations to target American

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[45] "Executive Order 13279 of December 12, 2002, Equal Protection of the Laws for Faith-Based and Community Organizations," *Code of Federal Regulations,* title 3 (2002): 77141-77144.

[46] Ibid.

social distresses. Consequently, E.O 13279 serves as a structure to both support and enable the effectiveness of faith-based social services.

Another major discursive difference between the two orders is E.O. 13279's attention to definitions. Section 1 of E.O. 13279, for example, makes a great effort to establish the faith-based initiative simply as a means of providing equal funding to social service programs. I argue the particular phrases it chooses to define impact the reader's understanding, and therefore, the government's understanding, of what the important focal points and clarifications are in the order and the faith-based initiative itself. For example, Section 1 of E.O. 13279 defines terms and phrases such as "federal financial assistance," "social service program," and "policies that have implications for faith-based and community organizations."[48] The definitions of each of these are very specific and provide ample context to the initiative itself as to what kind of organizations it is supposed to serve and what kind of monetary support can be provided at the local, state, and federal levels. As a result, it presents the Bush administration's faith-based initiative simply as a largely secular initiative that is strictly meant to provide guidance and clarification on how to best provide federal aid to faith-based organizations on an equal footing. Attention to these definitions and details of the program's funding focus, again, bring together the two discourses of effectiveness and constitutionality. By paying significant attention to clarifying the funding aspects of the initiative and its constitutional limits or boundaries, the order contributes more guidance on how the structure of the initiative impacts its overall effectiveness. As a result, the more effective the initiative is at providing adequate funding to faith-based organizations, the more good it is doing for American constitutionality and societal welfare.

[48] Ibid.

discursive evolution from E.O. 13199 to E.O. 13279. In its beginning phases, Bush's faith-based initiative was much more willing to take an open arms approach to government acceptance of religion, whereas, later down the road, the government is forced to reconcile the difficulty of negotiating the lines between religion and governance. As a result, we end up with E.O. 13279, which must place itself within the discourses of the initiative that challenge American constitutionality. Subsequently, E.O. 13279 avoids any definitions of religion and instead uses its regulations section to address the more constitutionally complex boundaries that the faith-based initiative is forced to negotiate.

For these reasons, Section 2, which outlines "Fundamental Principles and Policy Making Criteria," is the real meat of this document since it provides guidance on regulations related to funding faith-based organizations and the constitutionality of the initiative as a whole. Section 2 begins by addressing issues of discrimination such as the federal government's previously unfair treatment of faith-based social service organizations when applying for funding. Section 2 (a) makes clear that "no organization should be discriminated against on the basis of religion or religious belief in the administration or distribution of financial assistance under social service programs."[49] This directly addresses the barrier of discriminapra

funding of faith-based organizations ultimately enabled the eventual major expansion of faith-based centers across and within federal executive agencies and departments.

After offering a vision of a clear federal government posture of neutrality towards faith-based social service organizations, Section 2 then moves on to address constitutional concerns surrounding unchecked religious free exercise and, therefore, an opening for religious discrimination. Section 2 (d) states federal financial assistance recipients "should be prohibited from discriminating against beneficiaries or potential beneficiaries of the social services programs on the basis of religion or religious belief."[50] Similarly, grant beneficiaries cannot discriminate against current or prospective program beneficiaries on the "basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious belief."[51] Overall, these clauses establish grounds of nondiscrimination on the behalf of the federal government as well as on behalf of the recipients of federal financial assistance. By doing so, the federal government hopes to avoid government establishment of religion that would come from either denying religious organizations funding entirely or from, for example, only funding Christian organizations over minority religious organizations. Similarly, by delineating a foundation of nondiscrimination to beneficiaries of grant recipients, the government places checks on unregulated free exercise of religious organizations and religious individuals receiving federal funding. These regulatory guidelines provided by E.O. 13279, and the impacts they have on the free exercise and establishment clauses, fall squarely within the discourse of constitutional "goodness". Each clarification suggests an ability to address the tensions of these two clauses and perhaps even remedy them. However, the more we get into religious free exercise rights, the more difficult these lines are to draw.

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[50] Ibid, 2158.
[51] Ibid, 2158.

Section 2, clause (e) and (f) move on from broad discrimination regulations to more specific regulations regarding the constitutionality of the initiative as well as the religious rights of faith-based organizations who are recipients of federal financial assistance. Clause (e) maintains that, in order for the federal government to fund faith-based organizations, it must implement "Federal programs in accordance with the Establishment Clause and the Free Exercise Clause of the First Amendment of the Constitution."[52] In order to comply with this constitutional requirement, the order states that faith-based social service programs may not "engage in inherently religious activities."[53] Clause (e) is where we first see the ambiguous phrase "inherently religious activities," which is used throughout the rest of the Bush administration in guidance documents. Although it never provides a direct definition of the phrase "inherently religious activity," the order does provide some context as to what the Bush administration considers to be inherently religious activity."[54] The document describes inherently religious activity as "worship, religious instruction, and proselytization."[55] One may argue that these three descriptors are equally vague, as different religions have different understandings of what qualifies as each of these. However, to avoid this ambiguity, E.O. 13279 clarifies that faith-based organizations must perform inherently religious activities "separately in time or location from any programs or services supported with direct Federal financial assistance."[56] Moreover, if a beneficiary of the social service program participates in any inherently religious activity, it must be on a voluntary basis. Here we can see where the Bush administration is attempting to draw a line between supporting religious organizations while also

[52] Ibid, 2158.
[53] Ibid, 2158.
[54] Ibid, 2158.
[55] Ibid, 2158.
[56] Ibid, 2158.

not directly assisting the promotion of any religious belief and government establishment of religion.

However, one can quickly see a balancing act appear between the restraint and freedom of religious exercise of faith-based organizations in clause (f). Despite limiting “inherently religious activity,” clause (f) encourages faith-based grant recipients to maintain their “independence, autonomy, expression” and religious character under the auspices of the free exercise clause and the free speech clause. Ultimately, this section makes clear that faith-based organizations that are recipients of federal financial assistance should carry out their “mission, including the definition, development, practice, and expression of [their] religious belief” as long

It is within clauses (e) and (f), specifically, that we see the discourses of “good” and “bad” constitutionality come into tension with one another. Clause (e) attempts to address the

drug addiction, and the second wrestles with the constitutional implications of funding religious social service programs that utilize faith-based healing practices. These two hearings saw policymakers each adopt at least one of the four evaluations of the initiative's constitutionality and effectiveness in targeting American social distresses such as addiction. To recap, these four evaluations understand Bush's faith-based initiative and the programs it funds as: 1) the faith-based initiative is constitutional and good for the welfare of American citizens, 2) the faith-based initiative is constitutional but potentially bad for the welfare of American citizens, 3) the faith-based initiative is unconstitutional but good for the welfare of American citizens, and lastly, 4) the faith-based initiative is unconstitutional and bad for the welfare of American citizens.

Before diving into a discursive analysis of religious therapy in congressional hearings, I first want to clarify what I mean by religious therapy and faith-based healing. Religious therapy is "a form of counseling that attempts to treat a person's soul as well as mind and body by accessing individual belief systems and using that faith in a higher power to explore areas of conflict in life."[60] In other words, faith-based healing is the treatment of conditions such as alcoholism, drug addiction, and crime through prayer, scripture, and creating a deep relationship

use faith-based healing choose to focus on establishing or fixing an individual's relationship with God so as to heal the person's soul instead of using scientific or psychological means or ends to treat the addiction itself. Consequently, many of these organizations do not feel they are in need of licensed therapists, psychiatrists, or drug rehabilitation specialists, so many either choose or refuse to comply with federal certification and licensing standards.

The sensitive nature of religious therapy and faith-based healing practices forces policymakers to struggle with how to reconcile relationships between the effectiveness or ineffectiveness of the programs with the constitutional tensions of free exercise and government establishment. For example, these debates see policymakers and witnesses testifying that the initiative itself (if it were to fund faith-based healing social service programs) is inherently unconstitutional since, based upon the language in E.O. 13279, the direct funding of religious therapy would ultimately equate to government funding of proselytization. However, despite recognizing the unconstitutional aspects of funding religious therapy, policymakers nonetheless struggle to ignore the effectiveness of faith-based programs at targeting drug addiction in American communities. This works in the completely opposite case as well. For example, policymakers also argue that faith-based organizations should be able to maintain their free exercise rights to deliver religious therapy as a social service even if these services have in some cases proved to be harmful to societal welfare. Within this evaluation, policymakers view the refusal to fund faith-based healing social service programs as an intrusion into the organization's free exercise rights and, therefore, not funding them, even if there are cases where religious therapy has been proved harmful, would be unconstitutional. The back and forth possibilities of "good" and "bad" evaluations of program effectiveness and constitutionality is what makes these debates so dense and complex.

Souder cites Bush's faith-based initiative as an important aspect of this because it expanded Charitable Choice's ability to create government partnerships with faith-based social service organizations. Ultimately, we can see strong discursive parallels between Chairman Souder's rhetoric and President Bush's rhetoric. Each of these men describe religion, and faith-based

in her life, her “sick mind was gone” and her “heart lifted up,” ridding her of her addiction and transforming her entire life for the better.[66]

approach is “well beyond the traditional ' ‘treatment model’' utilized by secular rehabilitation facilities.[70] He argues that these treatment models only address the symptom (addiction, crime, poverty) of the probi5,raditional 'Sv12 (y)20 (a)4 (ddr)-7 (e)4 (s)-1 (s)-1 (t)21 (y)2i-1 (s)-1 (2.hgMCID 15)4 (t) facilitieespv (u)2 u20 (Tm mt (Tm wt)-2 (i4-Tm t (Tm 1.44)22 (om)-ai4-Tm l4-Tm u.44)2re)4 (n a (om)-t4-Tm m)l

are faith-based."[76] As a result, these organizations don't approach things logically or "with a strategic plan."[77] Instead, workers like the Garcias pack up their apartments and "go back into the crime and drug infested neighborhoods and express the love of God that was flowing through

rope and duct tape."[82] Similarly, he cites another where "police arrested the supervisor for unlawful restraint after he allegedly roped two children together and made them dig in a sewage pit."[83] Senator Leahy pointed out that both of these cases of abuse were only possible because of Bush's law, which exempted faith-based organizations from requiring appropriate supervision in

the assessment of the client "must be provided by a competent professional."[87] As a result, he does not see prayer, scripture, or faith in any way as adequate treatment for addiction. Moreover, he states that any "overtly religious atmosphere which suggests, even if not stated, that treatment is somehow contingent on religious belief or practice is essentially implied coercion."[88] This coercion, he points out, "is in violation of the patient's civil rights" and "of the ethical code which most professionals practice."[89] Consequently, Mr. Avery paints a very different picture of religious therapy, pulling it far outside of the "common good" discourses of program effectiveness that we witnessed previously. Instead, Mr. Avery implants religious therapy into a

Jews,' meaning they converted to Christianity."[91]

fears stemmed from some of the barriers presented in the *Unlevel Playing Field* report, where certain organizations were entirely stripped of their religiosity as a result of receiving federal government funding. Mr. Garcia put this fear into perspective when describing the way he advertises his faith-based addiction program. When asked whether or not faith-based healing was appropriate for drug addiction, Mr. Garcia responded, "we don't do drug rehab, we save souls."[93] This response allowed Mr. Garcia's program to avoid being bogged down by state licensing and certification requirements that demanded licensed rehabilitative professionals, counselors, and psychiatrists in order to be considered a drug addiction rehab facility. Religious therapy, in his eyes, did not have the same goal, structure, or outcome that traditional rehabilitative centers did. The question remained then as to why he should be subject to state licensing and certification requirements if his program did not follow the same procedures and protocols as secular ones. The inability of faith-based organizations to maintain their practices was a genuine fear felt by many faith-based organizations who considered applying for federal government funding. The faith-based initiative, therefore, was looked upon suspiciously by many faith-based organizations, concerned that government establishment laws would overpower their organizational free exercise rights.

In closing, the issue of religious therapy within the context of the faith-based initiative presents a multitude of possible evaluations regarding the initiative's constitutionality and the effectiveness of faith-based social services. I chose the specific case of religious therapy because it most strongly exemplifies the genuine nature of most of these debates regardless of whether they fall on the "good" or "bad" discursive side. For example, through Mr. Garcia, Mrs. Garcia,

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[93]U.S. Congress, House of Representatives, Committee on Government Reform, *The Role of Community and Faith-Based Organizations in Providing Effective Social Services*, 107th Cong., 1st sess., 2001.

and Mr. Willomes' testimonies, we see authentic accounts of faith-based healing working to adequately and effectively treat drug addiction. At one point in time, it was even recognized that Victory Fellowship was the leading "drug rehabilitative center" in San Antonio, as it had the largest number of success stories among its clients. On the contrary, we also witnessed powerful testimonies surrounding the potential abuse and forced conversion of clients who were subjected to faith-based healing tactics. These witnesses testified to not only the damaging societal welfare aspects of religious therapy but also the challenges it could cause to religious free exercise and government establishment. Consequently, the case of religious therapy shows just how difficult it is to navigate religion in American domestic policy, as all across the board there are genuine accounts that seem to directly contradict one another regarding the effectiveness of faith-based social services and the constitutionality of the federal government funding of them.

Section IV: Conclusion

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organizations and their volunteers as inherently good actors. As a result of this assumption on the domestic level, the federal government support of faith-based organizations, no matter their religious affiliation, was presented by Bush and his administration as a positive thing for American society and American constitutionality.

Despite the widespread bipartisan agreement on the inherent "goodness" of religious social service organizations, policymakers still ultimately struggled to remedy the constitutional tensions that Bush's faith-based initiative presented within the First Amendment clauses of free exercise and government establishment. Because the faith-based initiative's purpose was to expand pathways to fund the work and influence of faith-based organizations, policymakers' faced difficulties in determining the line between promoting the free exercise of faith-based organizations and government funding of religious proselytization. It was because of these tensions that debates surrounding the initiative were pushed down to the program level. Within this move, I have highlighted a moment where policymakers adopted similar frameworks of "good" and "bad" as they deployed discourses of constitutionality and program effectiveness. However, it is within the two discourses of constitutionality and effectiveness at the program level that we are ultimately left with four different evaluations of constitutionality and effectiveness. These four evaluations were as follows: 1) the faith-based initiative is constitutional and good for the welfare of American citizens, 2) the faith-based initiative is constitutional but potentially bad for the welfare of American citizens, 3) the faith-based initiative is unconstitutional but good for the welfare of American citizens, and lastly, 4) the faith-based initiative is unconstitutional and bad for the welfare of American citizens. As a result

establishment, or the benefits and risks that faith-based social services posed to the welfare of American communities.

Although this work was narrowly focused, it speaks to much larger issues of the role that religion plays within modern understandings of secularism and American domestic and international policy. If I were to continue my work on this topic, I would bring theories of secularism into these conversations. By including an analysis of theories of secularism, I may be able to present a more thorough understanding of the ways that the secular state, and agents of it, interact with religion. For example, I may be able to ask questions like: Why do agents of expert religion impulsively reduce religion to frameworks of “good” or “bad?” Is this a result of secularism and the way a secular state inte]/Subtype /ubtype /ubt<(m)-6 (an)-6 (f)i4 4 (e w)-12 (ype /u-1 (ar)i-9.

advantages of this shift would be that it could potentially provide some insight into the ways we measure program effectiveness by examining the on-the-ground impacts of faith-based social service programs. Additionally, feedback from faith-based organizations in cooperation with the federal government could be collected to determine the genuine necessity of government and faith-based partnerships. If the responses are overwhelmingly positive, then perhaps it makes the difficulties of implementing programs like Bush's faith-based initiative worth it. It may even signal that programs like the faith-based initiative should be expanded. However, if feedback is

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