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"Religion is Free \$cientology is Neither:" Legal and Media Authorities in the Negotiation of Religious Pluralism

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“RELIGION IS FREE \$CIENOTOLOGY IS NEITHER”: LEGAL AND
MEDIA AUTHORITIES IN THE NEGOTIATION OF RELIGIOUS PLURALISM

by

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B.A., Northern Arizona University, 2009

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“Religion is Free Scientology is Neither:” Legal and
Media Authorities in the Negotiation of Religious Pluralism

Thesis directed by Assistant Professor Deborah Whitehead

ABSTRACT

The Church of Scientology is one of the most controversial new religious movements of our contemporary time. As an esoteric organization the church has struggled to attain legal recognition as a religion while maintaining the secrecy of its core materials and has utilized a unique combination of religious freedoms, copyright, and trademark law in order to do so. I argue that the relationships between money, secrecy, and religion within the Church of Scientology are interpreted by many through the lens of censorship and fraud, but that the politics of religious pluralism in the U.S. ensured the overall protection of the church structure through religious rights legislation. When the Church of Scientology continued to receive legal support in their efforts to slow the widespread dissemination of church materials online, the hacktivist collective Anonymous responded with the launch of Project Chanology in order to restore a perceived loss of social justice. I argue that when a religious movement is understood to betray two of the cardinal principles of religious toleration (freedom of choice and freedom of non-belief), lay citizen activism can successfully challenge traditional cultural authority governing how we think about religion, religious rights, and religious pluralism.

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INTRODUCTION

Founded in 1950 the Church of Scientology is an esoteric movement that fiercely protects secret church materials through a variety of legislation and public relations strategies. Utilizing a unique combination of religious rights and intellectual property law, the church straddles traditional categories of business and religion in such a way that distends classical American understandings of both categories. The result has been a steady flow of controversy concerning the financial behavior of the church over the past six decades as Scientology struggles to both proselytize and protect their esoteric tradition.

Through an analysis of media and legal authorities in the U.S. context my thesis works to establish a grounded foundation from which to understand how Scientology imagines secrecy, money, and religion to be intimately and rationally connected and how that imagining remains controversial in a nation that struggles to uphold religious pluralism and religious freedom as ultimate values of democracy. I then ask what the greater implications of these contested imaginings are; what can Scientology's interaction with legal and media publics within the U.S. tell us about religious pluralism and popular and structural authority?

I argue that Scientology's unique and complicated combination of money, secrecy, religion, and control is understood by many outsiders to act within the greater operations of censorship and fraud. The church is thought to censor their lay members and the public through the fraudulent manipulation of money (obtained through bait-and-switch practices) in two ways: 1) the church censors their practitioners from the full spectrum of church materials and doctrine through a gradated series of required religious classes with high financial costs, and 2) the church censors critics and controls information through an aggressive litigation campaign that is well

resourced to outlast the financial means of their competition.¹

Most often the financial practices of the church are interpreted by critics as an elaborate bait-and-switch con disguised under the cloak of religion. What is interesting about the Church of Scientology is that according to U.S. government definitions of bait-and-switch practices an argument can be theoretically made that the church is guilty of such a con, but the mechanisms of the con begin to falter when understood through the lens of proselytization and esoteric religion. The Federal Trade Commission identifies bait-and-switch practices as the sale of an insincerely offered product or service which is substituted at the last moment for an alternative product or service at a higher price (or, in some cases, decreased quality). In essence, the sales pitch “is not a bona fide effort to sell the advertised product” but an effort to lure a buyer into the con.² When Scientologists are introduced to the church through a free auditing session and then asked to continue their spiritual development through a highly graduated series of religious courses which cost increasingly high amounts of money it is easy to see how critics might apply FTC standards to church practices.³ But the classical definition of a bait-and-switch con becomes complicated when the product for sale is secret religious information that is understood to be spiritually destructive if revealed prematurely. The Church of Scientology believes these financial practices to be a crucial sacrificial commitment to spiritual development and

¹ The most famous example of Scientology’s use of wealth and the legal system against critics remains their 1996 victory over the Cult Awareness Network. CAN was forced to declare bankruptcy after lengthy legal battles with Scientology and was immediately purchased by the church. CAN continues to operate today under Scientology’s management. Steven J. Stark, “Anti-cult Group Can Resume Its Scientology Fight.” *Chicago Tribune*, September 19, 1997.

² Federal Trade Commission, “Guide Against Bait Advertising,” accessed December 2011, <http://www.ftc.gov/bcp/guides/baitads-gd.htm>.

³ Free Zone churches (unrecognized branches of Scientology that advocate open access of all church materials) are very rarely controversial to anyone other than the Church of Scientology itself, who often sues these branches for copyright and trademark violations.

understands religious secrecy to be at the heart of their religious freedoms,⁴ making the stakes of potential financial criminality substantially raised; if the church is a sincere religion would legislation restricting the financial practices of the church constitute a restriction of religious freedom? Does the church have a legal right to protect sacred materials from public circulation?

These questions are worked out firstly through the U.S. legislative system which struggles to deal with Scientology's relationship with money by trying to determine if Scientology is sincerely a "real religion." It is presumed that if Scientology is not a fraudulent organization the classical terms of the bait-and-switch (which hinge upon insincerity) are moot because of the mechanisms of esoteric religion. Scientology's respectability or morality as a religious organization is not an issue for the courts; instead they ultimately allow it the full protections and privileges of a religion in the name of religious rights, religious diversity, and religious pluralism.

For many operating outside legally constructed categories of religion the financial practices of the church appears too outstandingly fraudulent to be understood as legitimately worthy of the protections of religious freedom. These tensions were significantly aggravated when the church began using aggressive litigation strategies to censor and control secret church materials online. As Scientology continued to argue that secrecy was essential to their religious freedom (comparing it to the belief in Resurrection for Protestant Christians)⁵ online users began to feel that the church had progressed from an organization that censored their own members to an organization that manipulated the politics of religious pluralism to censor the public sphere.

Anonymous, an internet collective inspired by a hacker worldview and guided by utopian

⁴ Church of Scientology International, "Questions and Answers: Religious freedom, copyright law, and trade secret protection on the Internet," accessed November 2011 <http://theta.com/copyright/qa.htm#four>.

⁵ Ibid.

understandings of the Internet and free access to information, utilized the Internet to wage a war against fraudulent religion that they believed traditional cultural authorities had failed. Believing the legal system to have been coerced and traditional media to have failed in their responsibility to whistle blow, Anonymous utilized a lay form of citizen activism online to undermine traditional cultural authorities they believed had become lost in the political rhetoric of religious pluralism.

Through an analysis of the discourse surrounding the question of Scientology's authenticity and legitimacy as a religion by the courts, Anonymous, and Scientology itself we are able to question which voices have authority over what subjects. Although the U.S. legal system has granted Scientology tax exemption, a legitimating move that allows Scientology to be understood through the lens of the legally constructed category of religion, Anonymous has succeeded in orchestrating world-wide protests against the movement and has helped securely classify the movement as a “cult” rather than “religion” in popular culture.⁶ If, as Russell McCutcheon suggests, “religion” is a truly arbitrary category defined always in opposition to “not religion,” or the secular, elements within either of these categories should be able to switch sides according to new interpretations and imaginings.⁷ My thesis is interested in the ways these elements have and have not been traded and translated successfully in the case of Scientology according to the broader public, and I believe this has greater implications for how we think about religious pluralism.

⁶ The argument may be made that this thesis should consider a global perspective as both Scientology and Anonymous have been globally active in these dialogues, I am choosing here to restrict the scope of this project to the U.S. context. I believe that a focused examination of the discourse between the U.S. courts, Scientology and Anonymous communities will provide important background to the global elements of these same dialogues as Scientology was born in the U.S. and was forced to grapple with these questions within a U.S. context before any other.

⁷ McCutcheon, Russell T. “‘They Licked the Platter Clean’: On the Co-Dependency of The Religious and The Secular,” *Method and Theory in the Study of Religion* 19 (2007), 184-185.

I understand this thesis to be an entry point of my research as a scholar as I begin to explore contested religious identity in the public sphere. I am interested in how contested religious identities, whether individual or communal, negotiate to claim the status of religion in the public sphere and what the authoritative, legitimating, and authenticating stakes are in this process (not only in the success or failure of their categorization as religion, but also what it means that religiosity must be evidenced and negotiated with secular authorities). I believe that studying these politics of religious pluralism through the major lenses of the legal and media interactions with these contested religious identities is an important and significant way to do this work. Matters of authenticity, power, authority, secularism, and legitimacy are the issues that drive my research and my questions share a home with our field's subcategories of religion and culture, new religious movements, religion and law, religion and media, and theory and method. Within religious studies I understand my work to most closely be in dialogue with that of Winnifred Sullivan, Russell McCutcheon, J.Z. Smith, Stephen Prothero, Hugh Urban, David Chidester and Thomas Tweed. When we live in a world in which the freedom of religion is understood to be a basic human right it is of the utmost importance that we understand who is defining religion, under what authority, and why. My thesis argues that this delicate negotiation of religious authenticity (as it is defined against fraud) between church insiders and secular authorities reveal new tensions about the cultural authority of legal and media publics that further calls into question the problematic politics of religious pluralism.

Chapter Outline

Chapter one will situate the Church of Scientology within the historical and cultural contexts of its birth. By providing a short overview of 1950s American culture, I will show how

Scientology both encapsulates cultural norms and new inventive imaginings of the ethos of its time and how these cultural traits influenced the way Scientology imagines a positive relationship between secrecy, financial capital, censorship, and religious truth. I will also consider what “counts” for religion in this historical context, allowing me to identify some of the ways in which Scientology originally imagined what it meant to be a “mainstream” or legitimate religion in the U.S. My key sources for this chapter will be Hugh Urban, R. Laurence Moore, David Chidester and Robert Wuthnow.

Chapter two will move from the logic of capitalism, secrecy, and religion within which Scientology has been operating to examine how the U.S. Courts have attempted to understand these same relationships. This chapter will work historically to provide an overview of important legal decisions surrounding Scientology and how these decisions have struggled to map and confirm Scientology’s religiosity. This chapter will begin with the IRS trials and explore the challenges posed to the U.S. Courts as Scientology actively responded to legal decisions about what religion “ought to be.” Jonathan Z. Smith, Winnifred Sullivan, and Russell McCutcheon will guide my theoretical argument that “religion” is an artificial category deployed within the Court according to naturalized assumptions about religion that stem from a Christian heritage. I argue that although Scientology challenged many of these assumptions, the Court ultimately favored a classificatory scheme that allowed Scientology status as a religion in order to preserve democratic values of religious diversity and pluralism.

Chapter three will introduce the hacktivist collective Anonymous and their virtual war (Project Chanology) on Scientology. Here I will follow the same series of questions from my previous two chapters to explore how Anonymous envisions the proper relations between capitalism, secrecy, and religion. I will examine primary source materials issued by Anonymous

to understand how and why Anonymous concludes that Scientology is a fraudulent, criminal organization (a step down from “cult”). I argue here that although the U.S. courts have repeatedly worked over, and confirmed, the question of Scientology's status (and legal protections) as a religion, the esoteric documents leaked during the trials and the continued aggressive response of the church to censor critics undermined the conclusions of the Court for many in the wider public. Anonymous, as a hacktivist subculture guided by a utopian ideal of the freedom of information, envisions their project as one of restorative justice. Utilizing the new technology of digital media Anonymous understood itself as finally able to prosecute a fraudulent organization that traditional legal (and media) channels had allowed to manipulate religious freedoms.

My final chapter will transition from this discussion of Anonymous to engage a bigger picture question about the role of legal and media authorities in the U.S. Who (the Courts, Scientology, or Anonymous) was able to de/authenticate the status of Scientology as a religion in the public sphere while operating under what arguments and assumptions about the nature of “religion”? I will offer conclusions about the role of legal and media authorities in de/authenticating religion in the public sphere in the case of Scientology. I argue that Scientology’s internal organization of their doctrine is understood by outsiders through a lens of censorship and it is this censorship that betrays, for many, the cardinal principles of religious toleration. Lay Scientologists are not given the information Anonymous feels they need in order to have freedom of choice in their religious lives, and Scientology’s attempts to control the exposure of their church materials online are interpreted as a violation of non-Scientologists religious rights. When a religious movement seems to violate liberal principles of religious toleration in these ways it opens up space for citizen activism to restore justice in a political

narrative of religious pluralism that they believe has become corrupt.

CHAPTER ONE

THE CHURCH OF SCIENTOLOGY

Traditionally religious studies scholarship in America has been orientated by a meta-narrative that pits “mainstream” against “fringe” religion.⁸ Those religions with the most social and cultural capital capture the attention and priority of scholarship, propelling the academic narrative forward in such a way as to mimic those social capitals and leave fringe religions resigned to “complementary” placement in the history of religion in America. Important paradigm shifts within the academy are beginning to take hold, however, and scholars are embracing new narrative frames of contact and exchange in an attempt to more readily understand religious movements as part of a dynamic social environment in which all movements continuously undergo adaptation, accommodation, innovation and change.⁹ No movement is isolated, instead each plays the part of influence and influenced, and each is rooted in the cultural and sociopolitical environment of its birth. In the study of religion, therefore, no center exists from which religious norms radiate outwards into varying levels of aberrations and deviations (which eventually make up the “fringe” religions), but rather there are any number of religions which compete via cultural symbols to express themselves as the dominant and normative religious expressions.

Often those religions that succeed in establishing themselves as dominant or mainstream have done so through the control of economic power. Important legitimating power stems, in part, from a movement’s access to and control of public communication (such as TV shows,

⁸ Thomas Tweed, ed., *Retelling U.S. Religious History* (Los Angeles: University of California Press, 1997), 3.

⁹ R. Laurence Moore, *Religious Outsiders and the Making of Americans* (Oxford: Oxford University Press, 1986), xi.

newspapers, radio stations) and the ability to use legal action as a protective or aggressive resource.¹⁰ Those movements that are able to grab onto “mainstream” or dominant religious status are then able to devote an unequal amount of time and resources towards the control of religious normativity, oftentimes characterizing alternative religious movements as strange deviations and false or fraudulent communities.

“Fringe” and “mainstream” are therefore better understood as points of perception cast upon dynamic social relations; all movements embody both fringe and mainstream elements of society. As an example, consider the Church of Jesus Christ of Latter Day Saints; this new religious movement (NRM) has oscillated between extreme portrayals as ludicrous and fraudulent and as the quintessential American religion. It is the movement's unique combination of fringe and mainstream ideologies, priorities, and goals that allows the public perception of the LDS church to move in such radical directions. If we then pull this example over our understanding of other NRMs we are able to understand how new religious movements, which are often portrayed as the most radical of fringe social movements, often mirror important mainstream paradigms existent in the sociopolitical atmosphere in which the movement exists. By acknowledging that there is validity to understanding a movement as both fringe and mainstream¹¹ we are able to then consider how an organization like the Church of Scientology, which is often portrayed as one of the most ludicrous and fraudulent movements of all, mirrors and encapsulates many of the mainstream concerns and priorities of the American culture from which it was born.

This chapter will move through three sections in order to demonstrate how the Church of Scientology reflects dominant American 1950s culture before concluding with a discussion of the

¹⁰ *Ibid.*, xiii.

¹¹ *Ibid.*, 21.

exchange of financial, religious, and cultural capital. The first section will consider the impact of white American culture of the 1950s upon CoS and include a discussion of the cultural reverence of science and technology at that time as well as the dominant modes and expressions of American spirituality. The second section will examine how Cold War concerns of loyalty and conspiracy are reflected within Church of Scientology doctrine and practice, as well as suggest that even the most radical of Church of Scientology doctrine, the mythology surrounding alien life, can be tied to the church's development during the Cold War. I will then extend my consideration of Cold War America and its impact on the formation of the church into a discussion of the concern for privacy within the church, and how the Cold War paradigm that is encapsulated within the Church of Scientology affects the church today.

The Impact of 1950s Culture on the Church of Scientology

The American religious revival of the 1950s was characterized by a close integration of the home, family, and religious life; two world wars and the great depression had left Americans searching for stability and safety. With the Cold War steadily intensifying, spirituality and religion worked to mirror these political concerns and Americans experienced a religious revival marked especially by martial analogies.¹² While providing a sense of security and community, these analogies also functioned to allow spirituality to become rooted in geography so that moral decay could arise territorially; frequenting the wrong side of town, dance halls, or socializing with the wrong people could all directly impact one's spiritual life and journey.¹³ At the same time Americans also began to re-conceptualize the ways in which they attained a good afterlife. Polls throughout the 1950s indicate that while most Americans still believed in the classical

¹² Robert Wuthnow, *After Heaven: Spirituality in America Since the 1950s* (Berkeley: University of California Press, 1998), 39.

¹³ *Ibid.*, 38.

formulation of heaven, “getting there was now easier, for heaven was readily available to all who tried hard.”¹⁴

Founded in 1950, the Church of Scientology encompasses these normative American traits. Martial analogies and the physical rooting of spiritual contact is most clearly reflected in the Church of Scientology’s interpretation of the consequence of psychiatric medicine, dictating that interaction with psychologists, therapy clinics, and modern medicines are highly detrimental to a Scientologist’s spiritual journey and directly result in the creation of engrams (Scientology’s equivalent of moral decay).¹⁵ Similarly, while the ultimate goal in Scientology is not the equivalent of heaven, the Church of Scientology builds upon this spiritual work ethic in its conceptualization of the Bridge to Total Freedom. The Bridge is a graded spiritual journey in which the Scientologist advances through hard work (via auditing sessions), eventually leading her/him to attain the Eighth Dimension (something that is very similar to both the ideas of achieving some sort of godhood or reaching the apex of spiritual advancement in something that resembles either a Christian heaven or a Buddhist nirvana).¹⁶

Yet perhaps the most characteristic way in which the Church of Scientology is representative of mainstream 1950s American culture is reflected in the church's unquestioning adoration of science and their hard stance on security and secrecy. Unexposed to the full implications of cold war nuclear technology and the critiques of the ecology movement, the early 1950s was marked by a common reverence for a type of science that was still understood as the great unifier of the human race as it, and it alone, offered hard universals in the form of

¹⁴ *Ibid.*, 29.

¹⁵ Church of Scientology International, “Why is Scientology opposed to psychiatry?” accessed January 2012, <http://faq.scientology.org/psychtry.htm>.

¹⁶ James R. Lewis, ed., *Scientology* (Oxford: Oxford University Press, 2009) 395.

“laws” that were untouched by history, culture or context (including bias). Science was afforded such a privileged place in American culture at this time that it has led James R. Lewis to state of the early 1950s:

the general populace accorded science and science's child, technology, a level of respect and prestige enjoyed by few other social institutions. Science was viewed quasi-religiously, as an objective arbiter of 'Truth'. Thus any religion claiming to be scientific drew on the prestige and perceived legitimacy of natural science¹⁷

On a popular culture level this reverence for science was transformed into the high-demand production of “how to” books that used pop science to solve every-day problems, sitting comfortably in-step with the Church of Scientology’s embrace of a therapeutic philosophy that employed standardized “technologies” and “methods” to attain spiritual enlightenment.

This 1950s understanding of science is found even at the very basic level of the language of the church. From its founding Scientology adopted a number of scientific and legislative rhetorical devices in its doctrine and formation; describing L. Ron Hubbard as the “discoverer” who, after years of “research”, uncovered a number of spiritual “laws” that together “provide a systematic oath with exact procedures, which achieve standardized predictable results.”¹⁸ The goals of the church are expressed in terms of “survival” rather than salvation and they are accomplished through “knowingness” rather than faith. When various Scientologists began to splinter away from the mother church, the leadership responded by employing a rhetoric of “standardness” and “inerrancy,” and when the E-Meter was introduced as a ritual tool for religious practice the device was described as “religious technology” or “tech.”¹⁹

¹⁷ Ibid., 8.

¹⁸ Ibid., 254.

¹⁹ Recently the Nation of Islam has adopted Scientology auditing as a form of religious technology complementary to their existing practices and beliefs.

Secrecy, Loyalty and Conspiracy: a Cold War Paradigm

An often repeated rumor whispered among Scientologists claims that Scientology and Hubbard had been on the Nixon White House “Enemy List” and that of all other entities listed, Scientology and Hubbard were the only survivors. Exposed to public knowledge during the Watergate scandal in the early 1970s, the “Enemy List” contained the names of citizens and organizations thought to pose significant risk to President Nixon and the American nation in the midst of the Cold War. While the Nixon White House “Enemy List” did, in fact, exist; neither Scientology nor Hubbard were on it (although Paul Newman and Bill Cosby were).²⁰ What is important about this story, however, is not truth but rather legend, conspiracy, and survival.

Seeping up out of individual conversations the tale of Scientology and the White House list has gained authority and power within the church, repeatedly appearing in official Scientology sermons. Sermons play an essential role in dictating the core values and world view of a group, as they are “performative acts meant to inform adherents of the content of their religious belief, and exhort them to action based on those beliefs.”²¹ The appearance of a legendary story of conspiracy against the church in official sermons can then be understood as an important indicator for how the church understands conspiracy.

Cold War America of the 1950s and 1960s was marked by an intense concern for secrecy, surveillance, and information-control; undercover agents working for the destruction of the American nation could be anywhere as the communist threat was a hidden and especially manipulative enemy. In response to the constant threat of subterfuge the government hunt for communists was extended out into the general public; political affiliation tests, while not

²⁰ It is here necessary to state that The Church of Scientology did indeed appear on an official government list, but that this list was wielded by the IRS and indicated that Scientology and Hubbard were, among other actors, “likely to evade taxation” instead of dire communist threats. Ibid., 66.

²¹ Ibid., 67.

common were also not rare, and “ordinary citizens were enlisted in the Cold War, called upon to identify those who displayed a lack of patriotic spirit or suspicious degrees of 'neutrality.'”²²

Hubbard was keenly aware of the political climate of the Cold War and is known to have written the White House and FBI numerous times throughout the 1950s and 1960s in regards to “the Red Threat,” advancing Scientology as a cure for communist philosophy. Within his own church Hubbard employed a number of “security checks” (“sec checks”) in order to maintain security, identifying those who failed these checks to the FBI as communists or communist sympathizers (at one point even identifying his ex-wife and her lover as such).²³ Hubbard tied Scientology very intimately to the solution to the Cold War and listed sympathy to communism as one of the greatest offenses to the church. After repeatedly requesting the White House to employ Scientology in their efforts against Russia, the FBI eventually sent an agent to interview Hubbard in 1951. The resulting report read:

Hubbard stated that he strongly feels that Dianetics can be used to combat Communism... He stated that the Soviets realized the value of Dianetics because as early as 1938 an official from Amtorg...contacted him to suggest that he go to Russia and develop Dianetics there.²⁴

As the Cold War wore on Hubbard became increasingly concerned about the threat of subversion against the Church of Scientology from within the church and without. Doctrine about “suppressive persons”²⁵ emerged and Hubbard set in place a number of measures through which to weed them out. Security checks were employed at random against Scientologists who then had

²² Hugh Urban, "Fair Game: Secrecy, Security, and the Church of Scientology in Cold War America," *Journal of the American Academy of Religion* 74:2 (2006), 361.

²³ *Ibid.*, 368.

²⁴ *Ibid.*, 368.

²⁵ Otherwise referred to as “SPs”, suppressive persons are people who mean to destroy Scientology.

to answer a series of questions while an auditor measured the respondent's emotional response with an E-Meter. Most Sec Check questions were concerned with measuring loyalty to the church, feelings about communism, and any possible sexual aberrations that the Scientologist participated in:

Do you have a secret you are afraid I'll find out?
 Do you collect sexual objects?
 Have you ever had any unkind thoughts about L. Ron Hubbard or
 Scientology?
 Are you upset by this security check? ²⁶

Sec Checks were employed as a way to reinforce Hubbard's new standards of Scientology Ethics, a doctrine developed in response to the growing threat of subversion and the need to identify those threats.

As the Church of Scientology grew, its hierarchical and bureaucratic structure began to mirror that of the FBI. The Church of Scientology already had in place an organizational scheme that safeguarded levels of knowledge down through the various levels of the Bridge to Total Freedom, but in the 1950s and 1960s the church began to employ a number of surveillance and secrecy methods that were so complex that Ted Gunderson, the former head of the FBI's Los Angeles office, eventually admitted that “the church has one of the most effective intelligence agencies in the US, rivaling even that of the FBI.”²⁷

Scientology eventually garnered so much publicity for its levels of security that the church itself became the subject of several government infiltrations.²⁸ Both the IRS and the FBI undertook numerous attempts to infiltrate various Scientology organizations in order to obtain information about the church's most secret teachings and goings on, eventually reaching such a

²⁶ Ibid., 374.

²⁷ Ibid., 378.

²⁸ In addition to infiltration the FBI also pressured Scientologists into revealing confidential church information.

concentrated effort that “by the early 1970s, the FBI had sent secret operatives to virtually every branch of the Church.”²⁹

It seemed to be only a short step of mirrored retaliation for the church when, in the 1960s, the church introduced a policy of “Fair Game” in response to increasing criticism, penetration, and condemnation. “Fair Game” gave official church permission to target any individual or organization that was seen to pose a significant threat to the survival of the church and to be “deprived of property or injured by any means by any Scientologist without any discipline by Scientologists. [They] May be tricked, sued or lied to or destroyed.”³⁰ While “Fair Game” became an effective policy against scholars and organizations that sought to “de-bunk” the church, the most infamous of the church's own covert actions occurred in the late 1970s when it was discovered Scientologists had successfully infiltrated the IRS by planting hidden microphones and undercover agents within the organization in order to photocopy the service's files on Scientology.

Today the “Fair Game” policy and sec checks have both been formally dissolved from official church use due to an overwhelming amount of controversy each policy garnered after having been exposed to the public. The Guardians Office, the branch of Scientology that was primarily responsible for the implementation of Fair Game and the infiltration of government agencies, has also been disbanded and officially disowned. The Church of Scientology has consistently maintained that Fair Game did not exist and that Hubbard had no knowledge of the covert actions of the GO against any critics of Scientology, although through the years ample evidence has risen to the surface that calls these claims in to question. Loyalty and conspiracy

²⁹ Ibid., 377

³⁰ HCO Policy Letter, 18 October 1966, as cited in Hugh Urban “Fair Game,” 375.

still remain important elements of the Church of Scientology, however, and many internal doctrines, sermons, and organizational schemes reflect that importance. Since the 1970s a new doctrine of “third party law” has been instituted, a belief that dictates that all arguments between two parties are in reality caused by a third, unknown party.³¹ The Church of Scientology will invoke third party law in conflict resolution procedures between Scientologists, where it becomes the duty of the church to identify the third party that is the cause of the problem.

In many ways the Church of Scientology mirrors the most “American” of institutions of the 1950s and 1960s; the US government. The controversial “Fair Game” policy and the employment of “sec checks” both resemble methods undertaken by the FBI and CIA against communist threats and many of Hubbard's personal attempts to communicate with the federal government reveal the overlap of Scientology's goals and paradigms with those of the US government. The prevailing church story of the Nixon White House “Enemy List” illustrates the central concerns of conspiracy and loyalty that are shared by the church with Cold War America, as well as revealing the concern for “survival” at all costs, a desire for survival which paralleled America's own desire at the time.

Financial Capital for Religious Secrets

Traditionally initiations, seminary training, and guru mentorships have served to grant insider knowledge from a spiritual teacher to a lay practitioner in esoteric traditions. In general esoteric knowledge is reserved for members of a religious movement that are elite in some way as esoteric knowledge is often understood to either be too dangerous in the hands of the uninitiated or too complex to be successfully (and correctly) grasped by the untrained mind. Scientology is unique in that virtually all members become initiates of sacred knowledge when

³¹ Ibid., 147

they enter the church but their quest to spiritual enlightenment takes years to progress through increasing (and necessary) levels of initiation that are acquired through financial capital.

Initiation to each new level of spiritual training occurs through auditing, a process that can take several years per level and cost (accumulatively) several hundreds of thousands of dollars. At each of these levels a new layer of secret church material is unveiled, building upon the Scientologist's preparation in previous training levels to be able to receive this new information with the appropriate spiritual foundation. The church likens the level of importance of this hierarchical practice to the fundamental position of the belief in the Resurrection to Protestants and the pro-life beliefs of Catholics, believing premature exposure to secret materials (exposure that occurs before the proper level of in-church training is reached) presents a major destructive force on that Scientologists spiritual development, further pushing away Scientology's ultimate goal of spiritual enlightenment for all peoples on the planet.³²

Officially the Church of Scientology maintains that auditing sessions do not have set financial costs. Because of the relatively short history of their religion, the church stresses that donations for auditing and spiritual training are the primary ways by which the church is able to function and that in that way these training donations are similar to tithing systems within Christian traditions.³³ The church goes on to explain that donations are the primary method of church funding "because it is the most equitable," and that all funding goes back into the

³² Church of Scientology International, "Why is everything copyrighted and trademarked in Scientology?" accessed November 2011, <http://www.scientology.org/faq/scientology-in-society/why-is-everything-copyrighted-and-trademarked-in-scientology.html>.

³³ Church of Scientology International, "How are churches of Scientology financially funded?" accessed November 2011, <http://www.scientology.org/faq/church-funding/church-funding.html>.

community, per the requirements of a non-profit organization.³⁴ In a somewhat contradictory turn, however, the church also details a number of free *and public* services available to those who are not able to afford donations for services or training, suggesting, at least, that financial donations are indeed required to progress to the more advanced levels of spiritual training.³⁵

The Church of Scientology imagines its use of legal protections to secure secrecy as a major mark of the success of religious freedoms in the U.S., stating that “Trade secret and copyright laws are the secular vehicle to protect the core religious precepts of the Church” and that “When these trade secret rights and copyrights are violated, so are the First Amendment rights of all Scientologists.”³⁶ Access to secret materials is by invitation only, although by what qualifications invitation is granted is left mostly unknown to the general public as the church only goes so far as to explain: “To gain access to these materials, more is expected of a Scientologist than spiritual advancement. Access is not automatic, *nor is it dependent solely upon donations*. It is by invitation only.”³⁷

While it is unclear (based on the Church of Scientology’s own explanations) how the church understands the trade of money for auditing beyond a comparison of tithing, it is clear that the church’s emphasis on secrecy and information reflect important hallmarks of a 1950s Cold War America and that the Church of Scientology encapsulated, and in many ways, internally froze these American norms within the church structure. While outsiders may see the

³⁴ Church of Scientology International, “What is the significance of the IRS ruling regarding churches of Scientology?” accessed November 2011, <http://www.scientology.org/faq/church-funding/significance-of-irs-ruling.html> .

³⁵ Church of Scientology International, “What about those who cannot afford to make donations for services?” accessed November 2011, <http://www.scientology.org/faq/church-funding/what-about-those-without-funds-for-donations.html> .

³⁶ Church of Scientology International, “Why does the Church have confidential scriptures?” accessed November 2011, <http://www.scientology.org/faq/scientology-in-society/why-does-church-have-confidential-scriptures.html>.

³⁷ Ibid., emphasis added.

careful application of graded secrecy and hierarchy to religious belief as an act of censorship, it is clear that the church understands these same relationships through the lenses of safety, security, and the careful application of spiritual science. With the rise of the Internet and digital technologies the Church of Scientology has been unable to keep their secrets secret, however, and even though the church was eventually able to secure the legal protections of religion they have struggled to use those same protections to secure the privacy of their internal religious materials. Today the church has only been able to successfully slow the dissemination of church materials online through the use of copyright and trademark law, as the protections of freedom of religion, which are based upon Christianized interpretations of religion, do not privilege the mechanisms of esoteric religion. In chapter two I will dig further into the legal construction of religion and ask how the U.S. legal system has attempted to classify the Church of Scientology as religion or non-religion.

CHAPTER TWO

RELIGION AND THE U.S. COURTS

This chapter will move from the logic of capitalism, secrecy, and religion within which Scientology has been operating to examine how the U.S. Courts have attempted to understand these same relationships. This chapter will work historically to provide an overview of important legal decisions surrounding Scientology and look at how these decisions have struggled to define religion and to establish the relationships between capitalism, religion and secrecy. I will begin with a short history of relevant case law before considering the IRS trials and explore the challenges posed to the U.S. courts as Scientology actively responded to legal decisions about what religion “ought to be.” Once the “religiosity” of Scientology is established by these trials, my thesis will move on to consider one or two of the seven internet censorship cases in which Scientology argued for the protection of religious teachings as trade secrets and again blurred the boundaries between religion and capitalism.

One of the biggest legal battles to involve Scientology in the U.S. was fought over the right of the church to declare tax exemption as a religious organization. After initially granting The Church of Scientology tax exemption under 501(c)(3) of the Internal Revenue Code in 1957, the Internal Revenue Service revoked the status one decade later citing the controversial practice of financially charging members for required spiritual courses as at the heart of this revocation. The ensuing battle for tax exemption (1967-1993) forced the court to question popular assumptions about the relationship between capitalism, spirituality, religious tradition and authority while also reflecting broader social concerns as the American public, legal system, scholars, and Scientologists alike all struggled to define, characterize, and essentialize this thing

called “religion”.

Jonathan Z. Smith has successfully illustrated in his essay “God Save this Honourable Court” the propensity of American courts to utilize lay understandings of Christianity as the prototype of what a “real” religion should manifest as. According to Smith, while the Court has tried to move away from Christianity in order to embrace all kinds of non-Christian traditional religions, the Court has failed to recognize its unproblematic use of Christian *terminology* in imagining what a religion should look like.³⁸ Much more than a matter of semantics the continued employment of a Christian vocabulary by a secular court charged with deciding the boundaries of religion is important because the terms by which we define a thing by nature have the power to dictate the spectrum of possibilities, allowing one set of religious expression (Christianity) to be understood as the most pure form from which all other religious expression emanates. Terms like “worship,” “minister,” and “creed,” all of which are cited by the courts as important elements of religion, fail to move past an inherent Christian paradigm. In their role as “the legally authorized interpreter of religion,”³⁹ the Court uses the Christian prototype of religion in a process of comparison that is at the core a process of familiarization and defamiliarization. Is the movement in question sufficiently like, or unlike, the Christian prototype?

In his article “They Licked the Platter Clean,” Russell T. McCutcheon builds upon Smith's insights to argue that the matter of classification of a movement as religion or non-religion is essentially little more than a few transactions on the trade roads of “economies of

³⁸ Smith, Jonathan Z, *Relating Religion: Essays in the Study of Religion*, (Chicago: University of Chicago Press, 2004), 377.

³⁹ *Ibid.*, 378.

signification.”⁴⁰ For McCutcheon, the dialogue of religion and non-religion is a direct product of secularism; religion and non-religion or religion and secularism are codependent binaries, and both must exist in order for either to exist because they are defined only in relation to one another (and only found in the absence of the other). The naming of a movement as religion is an act of establishing or constructing authenticity, in that it separates religion from non-religion via a set of criteria that is arbitrary in as much as it reflects practical concerns of society rather than an innate essence of ‘religion.’

The changing imaginings of “religion” in the courts and scholarship reflect greater changes and concerns within society. Defining religion in a society that is trying to cut loose its deeply rooted ties to a Christian heritage in order to more fully embrace a secular society has proved to be difficult but the emphasis on the importance of a pluralist religious environment has become one of the harbingers of an “advanced” democratic nation. If that nation chooses also to establish certain legally enforced freedoms of religion, the court must grapple with any number of questions, including (but not limited to): Where does one draw the line between religion and non-religion? How do the courts successfully defend the freedom of religion from those who would take advantage of that freedom for purely insincere motives? How does the Court establish freedom of religion without establishing religion?

Social actors, however, are by no means static and the Church of Scientology responded to Court assumptions about religion in a number of innovative ways. In their quest to be taken seriously as a viable and authoritative religion, Scientologists began to mirror back to the public what they believed Americans understood to be characteristics essential to any “real” religion. This perhaps created more problems than it solved, for as the church transformed itself, institutional and doctrinal changes within the church were subjected to severe scrutiny and

⁴⁰ McCutcheon, Russell T, “They Licked the Platter Clean,” 176.

commonly interpreted as insincere attempts to mimic sincere religious expression. Newly constructed immigration laws coupled with the counterculture of the 1960's had already pushed Americans to consider the legitimacy of forms of religion that did not have Christian foundations, but the Court had not yet encountered a group that seemed ready (and willing) to mold their identity around Court conceptions of religion. At the same time this newly embraced religious pluralism (that provided the greater context for Scientology's legal battles in the US) threatened to collapse any intrinsic popular understanding of truth and the sacred, and perhaps the only line the courts began to feel comfortable drawing was the one that separated apparently greedy consumerism from putatively selfless religion. Thrown into this historical mix is the cultural setting of the American Cult Wars, defining New Religious Movements into one solid, eclectic and absurd category that was defined in its relation (or rather opposition) to "mainstream," "real," or "world" religions. Scientology's struggle for tax exemption, therefore, can be understood as a carnivalesque mirror in which the American struggle to define "religion" became reflected and refracted into the primary discourse of change for both the Church of Scientology and the Internal Revenue Service.

Religion in the American Court

Scientology's battle over tax exemption hinges upon the American judicial system's understanding of the characteristics, motivations, and overarching goals that separate religion from corporate enterprise. Here I will quickly survey some of the key cases and court decisions that have occurred from the 1940s to today (following roughly the same time line as that of the birth and growth of Scientology), in order to provide a greater U.S. legal context for the IRS trials.

The judicial standard that determined the Court could not define religion without entangling the government in establishing the truth of one religion over another was firmly established in the 1944 case *United States v. Ballard*.⁴¹ *Ballard* occurred when two religious leaders of the I AM movement were convicted of fraud on the belief of the prosecution that the leaders were selling religious material that they themselves did not believe. As a new religious movement I AM challenged traditional assumptions about religion but the court was not convinced that the lay members were not sincere in their beliefs that they themselves subscribed to a religious way of life. In an attempt to accommodate the perceived sincerity of the movement during trial classical definitions of religion were replaced with a new emphasis on conviction of religious belief rather than the content of certain doctrines or philosophies. Following cases such as *Ballard*, “the Court viewed deeply and sincerely held moral or ethical beliefs as the functional, and thus the legal, equivalent of religious beliefs”.⁴² This worked to effectively shift the emphasis in Court from defining (and establishing) religion to determining the belief and sincerity of an individual. The Court hoped that this shift would allow the courts to uphold freedom of religion without entangling the legal system in any sort of theology and free the jury from having to establish the truth or falsity of doctrinal claims made by the group in question. Especially important in the *Ballard* case is the dissenting opinion of Justice Robert H. Jackson, who, after acknowledging the importance of the Court's decision to not adopt any definition of religion, stated “we must put up with, and even pay for, a good deal of rubbish” religion that the Court does not feel has any fragment of “truth” in order to preserve freedom of religion for all.⁴³

⁴¹ *United States v. Ballard*, 322 U.S. 78 (1944).

⁴² Peter Cane, Carolyn Evans, and Zoe Robinson eds., *Law and Religion in Theoretical and Historical Context*. (Cambridge: Cambridge University Press, 2008), 140.

⁴³ Derek H. Davis and Barry Hankins, eds. *New Religious Movements and Religious Liberty in America*. (Waco, TX : J. M. Dawson Institute of Church-State Studies and Baylor University Press, 2002), 10.

The duty of the Court, therefore, is not to encourage or participate in any sort of theology, but rather to determine if the individual in question is pursuing their convictions for sincere or fraudulent reasons.

But the standard put forth in *Ballard* and then again in *Welsh v. United States* was essentially too open and too all-encompassing; the freedom of religion seemed to blur too closely into a freedom of conscience as any strongly, “sincerely” held conviction of the conscience became protected under, and elevated to, the freedom of religion.⁴⁴ In order to prevent the freedom of religion from becoming too formless the American Court turned to loosely formulated, characteristic-driven check list conceptions of religion that were largely guided by a broad functionalist method. This was also the trend in Europe, and perhaps the most influential piece of legislation to determine what is and what is not “religion” occurred when the European Court of Human Rights shifted the freedom of religion away from a focus on the individual (and thereby away from a focus on sincerity of belief) and instead evaluated religion from a functional and social understanding of what a religion inherently looks like or should include in its manifestation.

This functionalist definition obfuscated essentialist definitions of religions by adding a short list of elements that demarcated “religion” from other belief systems. According to Article 9(1) of the European Convention of Human Rights:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to *manifest his religion or belief in worship, teaching, practice or observance*⁴⁵

⁴⁴ Cane, *Law and Religion*, 140.

⁴⁵ Council of Europe, European Convention on Human Rights Article 9(1), my emphasis.

Religion was observable as distinct from other belief systems when it manifested itself through worship, teaching, practice and observance. Although the article suggests that both religion and belief manifest themselves in the above stated ways, subsequent court cases confirm that the Western standard method to define “religion” in cases of freedom of religion and tax exemptions became heavily reliant on the ability of the belief in question to point to the ways in which it encompassed these four key manifestations.⁴⁶

The importance of a movement or individual to be able to defend its status as religion by demonstrating the manifestations illustrated in Article 9(1) cannot be underestimated. This standard was famously upheld in the 2002 case *Pretty v. United Kingdom*,⁴⁷ in which Diana Pretty, a terminally ill woman who sought the protection offered under freedom of religion to allow her husband to assist in her suicide, was denied the protection when the Court concluded that her beliefs were not religious in nature. Citing Article 9(1), the Court ruled that “not all opinions or convictions constitute beliefs in the sense protected by Article 9(1)[...] [Pretty's] claims do not involve a form of manifestation of a religion or belief through worship, teaching, practice or observance as described in the second sentence of the first paragraph.”⁴⁸

This statement clearly echoed earlier Court sentiments when in 1981 the concluding statement of the ECHR Court in *Arrowsmith v United Kingdom*⁴⁹ decided that the distribution of leaflets to servicemen in Northern Ireland did not constitute a manifestation of pacifist beliefs, but that the act was merely motivated by such beliefs and was therefore not protected under Article 9(1). While Pat Arrowsmith was not required to prove that her pacifism was religious in

⁴⁶ Cane, *Law and Religion*.

⁴⁷ *Pretty v. United Kingdom* (2346/02)

⁴⁸ Cane, *Law and Religion*, 250.

⁴⁹ *Arrowsmith v. The United Kingdom* (7050/75)

nature, the Court did ask her to prove that the distribution of leaflets was a manifestation of those beliefs in the form of practice. Under these assumptions, the distribution of leaflets as practice of Arrowsmith's religion would make the distribution a necessary manifestation of her religion, and to impede such a practice would be an unnecessary violation of her religious freedom. The Court decided that this was not the case, however, and the concluding statement read, “not all actions which are motivated by a belief are protected as forms of manifestations of that belief.”⁵⁰

Scientology, Scholars, and the IRS: Readily Identifiable Religion

To convince the courts that Scientology is indeed a religion and therefore an organization that is worthy of all of the protections and privileges that religions have rights to in the American legal context (including tax exemption), then, Scientology must be able to illustrate that it manifests itself in the ways laid out in ECHR Article 9(1). Such an exercise assists the church in attaining legitimacy as an “authentic religion” in the eyes of the European Union, a step that is vital to the status of Scientology as a “legitimate” religion in the U.S. As law scholar Malcolm Evans has stated, the importance of Article 9(1) is essential to any religion's survival, for “once it is concluded that such a [religious] belief is indeed at issue, it will only attract protection to the extent that it might be a protected form of 'manifestation', four of which are listed in Article 9.”⁵¹

Scientology's battle for public legitimacy as an authentic religion in the United States hinged upon their ability to securely claim tax exempt status as a religious organization. Defining themselves in the terms laid out in ECHR Article 9(1) was a crucial part of this process, but it is important to note here that many more characteristics than those listed under this article that were understood to be unique to religion also played a role in the IRS struggle. Many

⁵⁰ Cane, *Law and Religion*, 294.

⁵¹ *Ibid.*, 293.

government agencies have expanded upon the four manifestations of Article 9(1), and while it has never been published as an official document it is well known that the IRS itself wields an unofficial list of criteria that is used as a guideline for establishing if an organization is actually a religion. Among the criteria used by the IRS are the need for a group to illustrate that it (1) has a recognized creed and form of worship, (2) a distinct religious history, (3) a membership not associated with any other church or denomination, (4) a complete organization of ordained ministers, (5) established places of worship and (6) a literature of its own.⁵²

Recognizing the need to “scientifically” determine the authenticity of a religion, many courts turned to scholars of religious studies to bring secular expertise in establishing and demarcating religion from non-religion. Scholars joined judges to become the nationally sanctioned negotiators of religion, the only forces within America that could stand from the purview of secularism and declare the authenticity of a religion without seeming to engage in classical theology. Scientology quickly picked up on the power of scholarly experts in the courtroom and adopted a strategy of academic support.⁵³ An often celebrated example of this strategy is the 1983 Scientology victory for tax exempt status in Australia, in which the court ruled that the church could be understood as a religion according to the academic definitions established by Clifford Geertz, Max Weber, Emile Durkheim, and James Frazer.⁵⁴

Although it was published five years after Scientology was finally granted tax exemption in the U.S., *Scientology: Theology and Practice of a Contemporary Religion, A Reference Work* is one of the most important anthologies produced by the Church of Scientology International

⁵² Davis, *New Religious Movements*, 16, cites from Bruce Hopkins, *The Law of Tax-Exempt Organizations*, 7th ed. (Hoboken, New Jersey: John Wiley and Sons, 2003), 134.

⁵³ While I do not have space to engage the issue here, Scientology has maintained a rocky relationship with the academy, often appealing to scholars to help legitimize their religious authenticity to the public.

⁵⁴ Lewis, *Scientology*, 285.

(the branch of the church that is in charge of scripture and dogma) and is an important summary and reflection upon the IRS trials.⁵⁵ *Theology and Practice* is entirely dedicated to the documentation of the complete and thorough establishment of Scientology as a traditional and conventional religion through the eyes of the secular academy and juridical system (as reflected most often through taxation cases).

The format of *Theology and Practice* is quite astonishing, for it mimics the necessary legal and scholastic categories one must “check off” in order to be a readily recognizable religion in all of the arena's that might matter. Characteristics that had come to be understood as essential elements to any religion are defined in clear terms in chapter headlines, for example: “*Doctrine of the Scientology Religion*”, “*Religious Practices of Scientology*”, “*Scientologists Community Activities*” and “*L. Ron Hubbard Founder of Scientology*”, not to mention an entire appendix devoted to establishing the fact that Scientologists do indeed “worship”, are all included in the Table of Contents.⁵⁶ Here we can clearly see the impact of ECHR Article 9(1) and its mandate of religion to manifest in specific ways.

Theology and Practice also includes court documents and scholarly articles that are pieced together through commentary issued by CSI. The chapters written from insider perspectives by the CSI are followed by a number of appendices, seven of which upon closer inspection are really seven academic articles, each from a different country around the world, and each of which concludes in no uncertain terms that Scientology is indeed a religion. It is also notable that each article begins with a list of the author’s academic credentials, followed by a list of their credentials to speak authoritatively about Scientology in particular. The three common

⁵⁵ All documents published by CSI (Church of Scientology International) are understood to be works of scripture, with those authored by Hubbard to be acknowledged as of the utmost importance and the rest to be viewed as commentary.

⁵⁶ My emphasis.

themes that are of the greatest concern in these articles are the establishment of Scientology as a religion through a variety of academic definitions that closely follow the ECHR Article 9 (1) clause, with subsequent substantial examinations of church doctrine, worship, and religious community. Many comparisons of Scientology with Buddhism are made, as are references to the difficulty of understanding religion in a pluralist environment. While each article uses academic theory and method to establish legitimacy for the understanding of Scientology as a religion, it is also clear that some of the authors themselves understand the identity negotiation that is occurring and the role that they are playing as authorities caught between the movement and the Court. One such author, scholar M. Darrol Bryant, a professor of Religion and Culture at the University of Waterloo, illustrates this best when he states:

I have been asked to share my opinion, as a scholar of religion, on two questions. 1. Is Scientology a “religion?” and 2. Are Scientology churches “places of worship?” It is further my understanding that these questions are germane to questions pertaining to the exemption of Church of Scientology organizations from taxation in certain jurisdictions.⁵⁷

Immediately after the seven appendices occurs an eighth and ninth appendix celebrating the Church of Scientology as a religion according to section 501(c) (3) of the Internal Revenue Code. This appendix greets the reader with a wide, two page victorious picture of a celebration of thousands of Scientologists occurring one week after the IRS granted tax exemption in 1993. The picture is left alone, aside from a white caption that is planted in elegant font on the picture’s upper right hand side declaring the Scientology victory over the IRS, and it includes (most dramatically) a line from the official court statement of Scientology as exempt under section 501(c)(3) of the Internal Revenue Code.

Although the Church of Scientology was able to demonstrate their religiosity according

⁵⁷ Church of Scientology International, *Scientology: Theology & Practice of a Contemporary Religion: A Reference Work presented by the Church of Scientology International*, (Los Angeles: Bridge Publications, 1998), 179.

to the many legal definitions demanded of religious expression in the U.S. court, concerns and skepticism over the financial aspect of the church remained. While tax exemption was finally granted in 1993, the circumstances under which the exemption was granted were suspicious and called the newly found religious legitimacy of the movement into question. After over two decades of refusal to understand the church as a religion and not a commercial corporation, it took many by surprise that the “war” of Scientology v. IRS was resolved very nearly literally overnight. After a meeting between various IRS and church officials, thousands of personal lawsuits from various Scientologists against individual IRS workers were dropped within 24 hours and nearly 30 exemption letters from the IRS were issued to the church, covering all 150 existing Scientology organizations (including the Church of Spiritual Technology, which had been denied exemption less than one year earlier). Newspapers around the country speculated about the circumstances of the IRS's decision, often citing conspiracy theories involving financial trades and charges of harassment, bribery, and coercion. While it is likely that the leaders of Scientology and IRS had been in serious talks over a resolution for some time, it is also true that the IRS continued to vocally oppose a change in tax status for the church nearly up to the night tax exemption was finally agreed upon. The speed with which the final resolution was announced, the exemptions issued (over a wide variety of Scientology organizations), and the lawsuits dropped all suggest that there was indeed some sort of agreement that was made behind closed doors. In many ways the resolution of the IRS trials negatively impacted the public perception of the Church of Scientology as a financial pyramid scheme operating under the guise of religion much more so than the finally achieved status as a legally recognized religious movement.⁵⁸

⁵⁸ For more information about the controversy of the conditions of Scientology's tax exemption see David, Derek H., and Barry Hankins, eds. *New Religious Movements and Religious Liberty in America* (Waco, TX: J.M. Dawson

Internet Censorship: the Protection of Religious Teachings as Trade Secrets

As Scientology was finally established as a legitimate religion according to IRS and U.S. legal definitions, the church was forced to turn its attention to the wide-spread dissemination of its secret religious teachings over the Internet. Beginning in the mid-1990s the church aggressively employed copyright and trade secret litigation against church materials that were duplicated online, eventually dedicating their Religious Technology Center almost exclusively to this end. Calling these teachings “advanced tech materials” the church argued that the removal of these materials from the internet was appropriate because they “are not only copyrighted and trade secrets but also confidential religious texts” that are protected under the freedom of religion.⁵⁹ The exposure of their religious secrets, according to the Church of Scientology, is comparable to the theft of esoteric teachings belonging to Australian aboriginal tribes, and Scientology freely denounces the individuals behind the dissemination and duplication of the secret materials as thieves operating under “terrorist tactics.”⁶⁰

Perhaps ironically, many of the advanced tech materials initially leaked online had already been used as evidential exhibits in the court room against the wishes of the church. Beginning in November 1985 in a civil case brought against the church by two ex-Scientologists, Larry Wollersheim and Stephen Fishman, highly sensitive “OT documents” (released only to members who had achieved Operating Thetan levels within the church) were released to the

Institute of Church-State Studies and Baylor University Press, 2002), Franz, Douglas “The Shadowy Story Behind Scientology’s Tax-Exempt Status” *New York Tie*, 9 March 1997, and Lewis, James R., *Scientology* (New York: Oxford University Press, 2009).

⁵⁹ Hugh Urban, *The Church of Scientology: A History of a New Religion* (Princeton: Princeton University Press, 2011), 179.

⁶⁰ Church of Scientology International, “Questions and Answers: Religious freedom, copyright law, and trade secret protection on the Internet.”

public by the Los Angeles Superior Court Judge Alfred Margolis. Despite attempts by local Scientologists to flood the clerk's office and prevent public access to the materials (a reported 1,500 Scientologists showed up), the *Los Angeles Times* was able to print an article using the materials that same week.⁶¹

The Wollersheim case lasted 22 years and by 1993 Larry Wollersheim had co-founded the “Fight Against Coercive Tactics Network” (F.A.C.T.Net) website online with the purpose of widespread dissemination of the OT materials in order to “expose” the truth about the church. Scientology responded with a cease and desist request, arguing F.A.C.T.Net had violated copyright and trade secret legislation and that the exposure of the documents caused “irreparable spiritual injury if a rival church⁶² ... were allowed to disseminate.”⁶³

The court initially ruled in the favor of Scientology and raided the computers of members of F.A.C.T.Net before a Denver judge overruled the ruling in September of 1995, concluding that the dissemination of materials was an issue of fair use rather than copyright or trade violations and that Scientology “did not show that the materials in issue are secret or within the definition of trade secrets” and that “the public interest is best served by the free exchange of ideas.”⁶⁴ The failure of Scientology to protect its materials according to legal interpretations of what constituted a trade secret caused the church to re-evaluate its initial arguments and their emphasis upon the financial consequences of exposure. As Hugh Urban has aptly summarized:

Moreover, the church also apparently learned its lesson after its

⁶¹ Urban, *The Church of Scientology*, 183.

⁶² This is a reference to the dissemination of church doctrine by unofficial branches of the Church of Scientology known as “Free Zones.” Free Zone churches believe church information should be free and transparent.

⁶³ Trade secrets can be understood simply as “information that has economic value from not being generally known” Urban, *The Church of Scientology*, 184.

⁶⁴ *Ibid.*, 185.

failure to defend its trade secrets...In a case several years later...the RTC argued that the violation of its trade secrets would lead to serious *economic harm* because it generates so much income from the confidential OT levels...Interestingly enough, the church in this case successfully argued that its advanced tech materials are trade secrets *precisely because they are so expensive*.⁶⁵

Although Scientology has gone on to wage at least six other major legal battles concerning the dissemination of religious teachings online, the Wollersheim case is important because it sets the stage for how Scientology envisions the relationship between religion and financial capital as it is imagined by the use of categories traditionally used for the protection of business assets for religious means.

In response to allegations that Scientology is a staunch opponent of freedom of speech and information the church has taken extensive measures to address matters of censorship and secrecy on their official church pages, continually emphasizing the authority of the secular law behind their actions. Linking directly from their main page (theta.com) internet users can easily locate “the Church of Scientology Copyright and Trade Secret Issues on the Internet”, a smaller web-page hub that opens with “Court Rules for Internet Copyright Protection” and links to a number of FAQ pages and short legal essays. The opening statement of the web-page declares:

This is an information summary which contains the details necessary for Internet users to understand the events, background and issues of the equity and law that pertains to the Church of Scientology's fight for its First Amendment right of free religious exercise — as well as its rights under the copyright and trade secret laws...Those rights are being infringed on by apostates who have no regard for the law and, if they had their way, would bring about anarchy and widespread damage.⁶⁶

⁶⁵ Ibid., 185.

⁶⁶ Church of Scientology International, “Questions and Answers: Religious freedom, copyright law, and trade secret protection on the Internet.”

Users are very immediately orientated to the authority of secular law and informed that the “issues are clear cut”: 1) the scriptures are private and unpublished, 2) materials online are stolen and are used out of context, 3) the materials are protected by the authority of the U.S. Court, 4) those who want to destroy “the religion” should not be able to “dictate to its parishioners how it should be practiced,” 5) illegal dissemination causes substantial financial harm to the church and is the equivalent of black market trafficking, and, finally 6) the spiritual future of millions is at stake.⁶⁷

Conclusions

Russell McCutcheon, when arguing for the essential arbitrariness of defining religion, cites the 1893 U.S. Supreme Court case *Nix v Hedden* in which a tomato is defined by the court as a vegetable despite the plant’s botanical classification as fruit. At the time all imported vegetables were taxed while fruit was not; for the purposes of the tax law Justice Horace Gray declared that tomatoes were vegetables and not fruit because “we don’t eat them for desert.”⁶⁸ McCutcheon concludes that this indicates that classification often occurs not at the level of data but rather at the level of interest, and that “Deciding the fate of the tomatoes ... therefore constituted one among many sites where the self-policing power of the state was exercised and, inasmuch as the plaintiff’s lived with its verdict, legitimized.”⁶⁹

Scientology is a new religious movement that reflects many of the broader social concerns and forms of its time. The use of scientific language and the church organization as a

⁶⁷ Church of Scientology International, “The Issues are Clear” accessed November 2011, <http://theta.com/copyright/qa.htm#four>.

⁶⁸ McCutcheon, “They Licked the Platter Clean,” 184.

⁶⁹ *Ibid.*, 185.

corporate structure are both mirrors of important social understandings of science and capitalism as dominant authoritative presences in American society. The presence of these elements in a religious movement is uncomfortable for many Americans, however, because in an increasingly pluralistic society, one of the only binaries between the secular and the sacred that many American's can agree on is that between consumerism and religious sincerity. The Scientology struggle for tax exemption can be understood as one of the richest illustrations of the economy of signification at work, as scholars, courts, and Scientologists all attempted to define, essentialize, and encapsulate this thing called "religion."

In the cases cited throughout this chapter we can see both the American courts and the international legal system struggle to define religion in relation to Christianity as prototype, the sincerity of an individual, and a number of particular manifestations thought to be at the core of religious phenomena. Once Scientology was able to achieve legal authentication and recognition of their religiosity, however, they continued to battle over what "is most important" in a religion by arguing that the protection of their advanced materials should be guaranteed according to an innovative combination of secular law regarding the freedom of religion, copyright, and trade secrets. Although IRS tax exemption did not effectively bestow the church with "real religion" status in the eyes of the public, Scientology has consistently and persuasively used the secular authority of the law in its battle to assume legitimacy in the public sphere, revealing that despite certain perceived failings in the legal system Scientology continues to view law (and expert testimony) as one of the most important forms of cultural capital available.

This chapter has demonstrated the difficulties the legal system faces as it attempts to protect religious freedom and religious diversity without establishing (or theologizing) religion itself. This has been a very politically motivated struggle between the Church of Scientology and

the courts and more than once the Church of Scientology has explicitly drawn upon the strength of religious pluralism values in order to make its case. Chapter three introduces Anonymous, a group of hacker activists who became fed up with these politics and sought to put a stop to what they understood as liberal values of religious toleration gone wrong. Believing the Church of Scientology to have manipulated these values and coerced an otherwise authoritative legal system, Anonymous took action against the church to restore social justice.

CHAPTER THREE

PROJECT CHANOLOGY

Once a relatively esoteric digital subculture, the hacktivist collective known as Anonymous has gained international fame after a string of high profile hacktivist projects (starting with the mirroring of U.S. State Department cables that had been published by WikiLeaks in 2010) brought the group out of the virtual shadows and into the media starlight. Running dozens of political and trolling⁷⁰ “projects” concurrently, Anonymous today is a theoretical enigma. Part collective, part idea, part identity, and part label, Anonymous is generally understood to be an umbrella term for an international hacking community that undertakes “Projects” or “Operations” for social activism, sport, and revenge.⁷¹ Often undertaking several dozens of projects in different parts of the world at once, Anonymous claims credit for everything from Operation Leakspin (the infinite mirroring project of WikiLeaks and highlighting of overlooked cables in order to protect the free information and transparency project of Julian Assange), Operation Egypt (the temporary collapse of Egyptian government websites during the Arab Spring) to Operation Sony (a leak of personal information about hundreds of Sony customers after Sony fired an employee who was thought to be a member of Anonymous).

As part of these projects Anonymous issues a number of messages, manifestos, and videos about who they are and what they are attempting to achieve with each project. In general Anonymous self-identifies as a loose, anarchic collective of individuals who use hacktivism and

⁷⁰ “Trolling” is any act that purposely illicit rage from a target, it is often combined with the lulz. Gabriella Coleman, “Free Speech.”

⁷¹ Encyclopedia Dramatica, “Anonymous,” accessed January 2012, <http://encyclopediadramatica.ch/Anonymous>.

nonviolent protest in order to effect social change. The group values a highly democratic method of organization in which actions, projects, and rationales are decided collectively through the use of open internet relay chats (IRCs). Attempts to assert control over these actions result in flaming (a variance of trolling) often through the use of homophobic and gendered slander (so that the target might be labeled a “leader fag” and spammed out of the forum).

In general Anonymous is motivated by the values of freedom of information and speech, transparency, and a do-it-yourself ethic. The utopian ideal of an inherently liberatory nature of information motivates Anonymous to be radically against all forms of censorship, believing that what temporary harm comes from exposure of information will ultimately fall under the greater good. Many Anonymous users started as readers and contributors of the anonymous messaging board service www.4chan.org. Known for its production of cultural memes, Anonymous users congregated around the main forum on the site (the “/b/” forum) and generally adhered to forum rules that no personal or private information should be posted.⁷² In addition to the default user name “anonymous” (which eventually became the name inspiration for the hacktivist collective) Anonymous carried on many other of the digital subculture characteristics on display at 4chan, including a penchant for trolling, the use of insider language, an emphasis on humor (the lulz)⁷³, and a celebratory or utopian understanding of the freedom of speech (especially online).⁷⁴

Rising from the depths of their internal forum Anonymous as a hacktivist collective emerged in January of 2008, when the Church of Scientology sent a copy-right violation act against the YouTube leak of a private church video. This was the latest in a long series of internet

⁷² Jeff Jacobsen, “We are Legion: Anonymous and the War on Scientology,” accessed October 2011, <http://www.lisamcpherson.org/pc.htm>

⁷³ The “lulz” is one of the principle motivating factors behind Anonymous projects, it suggests an individual should be motivated just for the humor or joy of performing an action. Coleman, “Free Speech.”

⁷⁴ Ibid.

ensorship actions the church had initiated since the mid-1990s, and it sparked Anonymous into social activist action.⁷⁵ On January 15 an anonymous user at 4chan posted the initial rallying cry: “I think it's time for /b/ to do something big. People need to understand not to f*k with /b/, and talk about nothing for ten minutes, and expect people to give their money to an organization that makes absolutely no f*cking sense [...] It's time to use our resources to do something we believe is right. It's time, /b/.”⁷⁶

In general the forums responded to this declaration with excitement and empowerment. Where the U.S. legal and media authorities had failed to take control of a movement IRL⁷⁷ that was blatantly fraudulent, this group of hackers and geeks⁷⁸ would not allow the church to bully their way through the internet just because of some politically correct narrative about religious pluralism, especially when it seemed obvious to forum members that the church organization was a front for a bait-and-switch scheme. Anonymous quickly separated Scientology the belief (and therefore the religion) from the organizational structure of the Church of Scientology, which propagated criminal acts against naïve lay members through an elaborate front of a religious institution. Now, as the Church of Scientology attempted to censor the internet, Anonymous was

⁷⁵ What made this action different enough to spark Anonymous into full-fledged war? While the answer is complex, at least three factors figured prominently into the immediate success of Project Chanology: 1) Anonymous members recent flirtations with online hacktivism in the year leading up to the launch of Project Chanology, 2) increasing discomfort with Scientology requests to remove materials from the Internet, and 3) the sheer popularity of the video in question (at the time of the church request the video had gone virtual, so that the copy-right violation request had a much larger audience than just a few obscure hackers).

⁷⁶ Ibid.

⁷⁷ IRL is leetspeak for “In Real Life”

⁷⁸ Gabriella Coleman, “Free Speech: Anonymous vs Scientology” video presentation, accessed December 2011 at <http://turbulence.org/blog/2010/04/13/free-speech-anonymous-vs-scientology/>.

ready to respond.⁷⁹ As one anonymous user rallied:

Gentlemen, This is what I have been waiting for. Habbo,
 Fox, The G4 Newfag Flood crisis. Those were all training scenarios.
 This is what we have been waiting for. This is a battle for justice.
 Every time niggertits has gone to war, it has been for our own causes.
 Now, gentlemen, we are going to fight for something that is right. I
 say damn those of us who advise against this fight. I say damn those
 of us who say this is foolish. /b/ROTHERS, OUR TIME HAS COME
 FOR US TO RISE AS NOT ONLY HEROES OF THE InternetS,
 BUT AS ITS GUARDIANS. /b/ROTHERS. LET THE DEMONS OF THE
 INTARWEBS BECOME THE ANGELS THAT SHALL VANQUISH
 THE EVIL THAT DARE TURN ITS FACE TO US. /b/ROTHERS....
 MAN THE HARPOONS!⁸⁰⁸¹

This rallying message drew together users of the /b/ forum into a hacktivist “/b/rotherhood” that was finally realizing they could use the power of digital technology to effect social change.

Message to Scientology

By January 21, 2008 Anonymous had adopted its first large scale operation as an international hacktivist collective. “Project Chanology,”⁸²⁸³ also called “Operation Chanology” and “Operation CoSplay,” announced its first formal message to the Church of Scientology via a YouTube video entitled “Message to Scientology.” “Message” utilized a menacing, dark aesthetic of time-lapsed storm clouds and slow rhythmic instrumentalism to underlie their message, delivered by a computerized male voice that addressed the “Leaders of Scientology” directly.

⁷⁹ Anonymous often uses foul and offensive language in their internal discourses and their messages. While sometimes this language is used to troll the reader, it can often be used as an empty rhetorical device or a nickname. As an example, “leader fag” is a derogatory term meant to single out a user who is attempting to control a project, but “niggertits” refers to an Anonymous user or group of users.

⁸⁰ Jacobsen, ““We are Legion: Anonymous and the War on Scientology.””

⁸¹ All Anonymous quotes have been directly copied in order to preserve the group’s unique rhetorical and aesthetic strategies. This includes random capitalization, fragmented statements, and the use of l33t spelling (a popularized Internet slang language).

⁸² “Chan” is understood as a reference to 4chan.

⁸³ “Project Chanology” is self-described by Anonymous as an “epic battle against the Scientologists. You can help by Lurking Moar and figuring out what to do yourself.” Encyclopedia Dramatica, “Scientology.”

Citing Scientology's "campaigns of misinformation... suppression of dissent [and] litigious nature," Anonymous declared their intent to destroy the Church of Scientology "in its present form" for the "good of your followers, for the good of mankind and for our own enjoyment." Furthermore, Anonymous understood how the politics of religious pluralism would be used by the church to attempt to dismantle support for Project Chanology, and Anonymous addressed this issue head on, stating, "We are cognizant of the many who may decry our methods as parallel those of the Church of Scientology, those who espouse the obvious truth that your organization will use the actions of Anonymous as examples of the persecution of which you have for so long warned your followers. This is acceptable to Anonymous." The video ends with the declaration "Knowledge is free."⁸⁴

Four days after their release of "Message," Anonymous released a second video on YouTube, this time directed to the mainstream media. "Response to the Media" blamed U.S. media authorities for a lack of substantial or critical coverage of the atrocities of the church, stating that news organizations only ever highlighted the most superficial church offenses (the aggressive litigation of the church in response to criticism) and failed to report on the movement for what it truly is: a totalitarian organization guilty of numerous human rights violations and financial fraudulence. Anonymous accused the media of allowing Scientology to hide behind the cloak of religion, protected under the freedoms of religion while all the while conducting a financial con. Believing Scientology to have successfully manipulated an otherwise legitimate legal system, and believing the mainstream media to have succumbed to the politics of religious pluralism over the duty to report truthfully and accurately despite politics to the people of the American nation, Anonymous released "Response":

⁸⁴ Anonymous, "Message to Scientology," [Jan. 21, 2008], video message, accessed January 2012, YouTube, <http://www.youtube.com/watch?v=JCbKv9yiLiQ>.

Dear News Organizations. We have been watching your reporting of Anonymous's Conflict with The Church of Scientology. As you said,⁸⁵ the so called Church of Scientology, have *actively misused copyright, and trademark law, in pursuit of its own agenda*. They attempt, not only to subvert free speech, but to *recklessly pervert justice to silence those who speak out against them*. We find it interesting that you did not mention the other objections in your news reporting [...] *This "Church" is Nothing but a psychotically driven pyramid scheme. Why are you, the news media. Afraid of discussing these matters? It is your duty to report on these matters. You are Failing in your Duty*. Their activities make them an affront to freedom. Remember. All that is necessary. For the triumph of evil. Is that good men do nothing... This is not Religious Persecution. But the suppression of a powerful, criminal fascist regime. *It is left to Anonymous. The Church has been declared Fair Game.*⁸⁶

It is worth noting that in several transcript versions of the video "church" has been replaced with "cult" despite the video narrator's explicit use of the term church, perhaps indicating that Anonymous users understand how powerful the categorical term "church" is in its relation to "religion" and how "cult" functions to classify a group as inauthentically religious. The video also highlights the utopian role of the internet in exposing the Church of Scientology when other cultural authorities failed, stating "This information is Everywhere. It is your Duty to expose it. It is easy to find. Google is your friend. [...] it is left to Anonymous."

Within weeks these videos had accumulated millions of hits each, and by February 10 2008, Anonymous was able to orchestrate over 200 global protests with over 7,000⁸⁷ total protestors, making Project Chanology the largest citizen protest of the Church of Scientology in

⁸⁵ "As you said" is a direct statement to the U.S. media organizations, so that Anonymous is acknowledging that media authorities have reported on the Church of Scientology's misuse of the legal system to censor outsiders, but that they have failed to report beyond superficial themes.

⁸⁶ Anonymous, "Anonymous Response to the Media," [Jan. 25,2008], video message, accessed December 2011, YouTube, <http://www.youtube.com/watch?v=pcr1trjtLaU>, emphasis added.

⁸⁷ Many Anonymous sites report 9,000 protestors by March, but 9,000 is a popular Anonymous meme meant to signify "an impossibly large number." Jacobsen, "'We are Legion: Anonymous and the War on Scientology'"

history (and also the first Anonymous Project to fuse online and “IRL” activism).⁸⁸ In order to both maintain their identity as Anonymous IRL and to prevent personal retaliation from the church against protestors, Anonymous donned Guy Fawkes masks in the streets (popularized from the *V for Vendetta* comics and movie) to hide their identities.⁸⁹

The symbolism behind the Guy Fawkes mask is very purposely taken from the *V for Vendetta* narratives and tells us quite a bit about how Anonymous understands their role in relation to the failure of traditional legal and media authorities. A ten-issue comic book and 2006 film adaptation, *V for Vendetta* is the story of anonymous revolutionary “V” who single handedly (and violently) overthrows a totalitarian government that has censored all opposing voices. V is the ultimate anti-hero; working alone he saves individuals from corrupted government officials through his extensive knowledge of guerrilla fighting tactics, computer hacking and technology skills, and genius-level recall of literary, historical, and philosophical materials. V works above all else to release information from censorship and convince the people to “think for themselves” in the face of transparent data. By adopting the iconic mask as the face of their organization, Anonymous was able to harness the charisma (and audience) of the original series, communicating most of the broad strokes of their own philosophical and methodological underpinnings through the use of a singular image. Anonymous in name and face, the Guy Fawkes mask serves as an all-encompassing symbol for the destruction of censorship and the empowerment of the people through anarchy and the complete freedom of information.

Operation Clambake and Trolling “Fair Game”

⁸⁸ Encyclopedia Dramatica “Project Chanology,” accessed January 2012, http://encyclopedia.dramatica.ch/PROJECT_CHANOLOGY

⁸⁹ Ibid.

A major hub for Project Chanology, “Operation Clambake” (xenu.net) serves as an orientating and educational tool about the Church of Scientology for Anonymous members and the general public. Established in 1996 as a Norway-based non-profit organization, Operation Clambake makes itself very clear about the right of all peoples to practice their own religions, including belief in Scientology, but the site is dedicated to the exposure of the Church of Scientology as a totalitarian organization. The site’s name serves to invoke in the reader three simultaneous images or concepts: 1) a reference to one of L. Ron Hubbard’s claims that humankind evolved from clams, 2) “clam” is used as a slang term for money, explaining that the clam “reference [is] in this context the high cost for Scientology.. ‘Clam’ is therefore used by many critics as a...better term to identify an actual follower of ... Scientology,”⁹⁰ and 3) a reference to a traditional clambake in which clams are steamed in an outdoor party-like setting.⁹¹

On the site’s main page “What is Scientology” the bolded, large center text states “In the late 1940s, pulp writer L. Ron Hubbard declared: *‘Writing for a penny a word is ridiculous. If a man really wants to make a million dollars, the best way would be to start his own religion.’*”⁹² This quote orientates the reader to the rest of the site so that the reader understands that the Church of Scientology “masquerades as a religion. Its purpose is to make money...Its aim is to take from them every penny they have and can ever borrow.”⁹³ The history of Scientology is also seen through this money-making lens as Dianetics is explained as a therapy that was “further

⁹⁰ Operation Clambake, “Frequently Asked Questions,” accessed January 2012, <http://www.xenu.net/cb-faq.html>.

⁹¹ Operation Clambake, “The Clam FAQ,” accessed January 2012, http://www.xenu.net/clam_faq.html.

⁹² On other Anonymous sites around the web this quote often appears “‘Writing for a penny a word is ridiculous. If a man really wants to make a million dollars, the best way would be to start his own religion. – L. Ron Hubbard, entrepreneur.”

⁹³ Operation Clambake, “What is Scientology?” accessed December 2011, <http://www.xenu.net/roland-intro.html>.

expanded to appear more like a religion in order to enjoy tax benefits.”⁹⁴

In an interesting twist Operation Clambake does not completely dismiss Hubbard as an insincere criminal. The site instead tells the story of a simple charlatan who, through an over-active imagination and the desire to be popular, succumbed to his own psychosis in believing his church was real. Under the header “Brainwashing Bites Back,” the site details the ways in which Hubbard fell victim to his own scheming, imagination, and delusions of grandeur so that “what started out as a mass confidence trick backed up with brainwashing became a monstrous and insane organization with fantastic, fanatical ideals.” In this way the Church of Scientology is portrayed as a monster religion, a delusional scheme that has forgotten its own con and convinced itself it is a religion, and it is *because of its religious convictions* that the church is so difficult to stop, with only some members at the very highest ranks remaining in control of the con.⁹⁵

Operation Clambake asserts that the Church of Scientology is conducting a “Bait-and-Switch” con in which a person buys into a “product” only to find that they have to continue paying for increasingly higher priced products to maintain the original product (in the case of Scientology, this is an allusion to the price of auditing sessions).⁹⁶ In this way the site denies the church’s argument about spiritual preparation before exposure to divine information and asserts that the church’s lack of willingness to be transparent about the full spectrum of Scientology beliefs is primary evidence of financial fraud. The site details over a number of separate pages the amount of time and money a Scientologist must invest in order to learn about their own belief system and claims that the church’s use of copyright laws is the primary reason the church

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Operation Clambake, “The Xenu Leaflet” accessed December 2011, <http://www.xenu.net/archive/leaflet/>.

continues to draw members.⁹⁷

Scientology, Operation Clambake argues, hides behind “the protection afforded it by copyright laws in a way that copyright laws were not designed to address” and the hackers who break these laws in order to leak confidential and copyrighted Scientology documents are restoring justice in the face of a failed legal authority.⁹⁸ These members of Anonymous are motivated by public duty and “care for their fellow men,” they understand and willingly break copyright laws because they are “acting out of conscience and out of high human ideals.”⁹⁹ By allowing lay Scientologists access to the full spectrum of information about what they are buying, Operation Clambake understands itself to work as a dismantling mechanism for the Bait-and-Switch con by revealing “the switch part of the bait-and-switch fraud...[and letting] people know in advance the trick that is going to be pulled on them about five years and \$30,000 later.”¹⁰⁰

Other Project Chanology sites echo these sentiments but frame them in more of an internal rhetoric familiar to only Anonymous members. Framed in an aesthetic strategy of the “lulz” that is integral to Anonymous as a hacktivist collective (rather than a mainstream social activist organization),¹⁰¹ Anonymous often interprets their leaking project to have an additional layer of meaning beyond destruction of the financial fraud: it is a humorous way to troll.¹⁰² By leaking Scientology documents Anonymous understands itself to be “closely mirroring the

⁹⁷ Operation Clambake, “Some Copyright Considerations” accessed December 2011, <http://www.xenu.net/copyright.html>.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Operation Clambake, “The Xenu Leaflet.”

Church's own 'Fair Game' policies which it uses to justify IRL trolling of anyone who crosses them including its own members," adding that in addition to the leaking project, "the most effective subjugation tactic found is replacing the letter 's' with a '\$'."¹⁰³

Anonymous understands money to be so central to the Church of Scientology that they advocate the memorization of the following phrases to troll church members: "No one has the right to sell you Scientology. It belongs to the entire human race"; "The work was free, keep it so"; "The entire bridge is on the Internet. You don't have to pay anyone for it"; "Scientology. The rich person's religion"; and "90% of your contributions are going toward legal fees. Outpoint?" The Encyclopedia Dramatica entry for Scientology goes on to explain that although "These may sound like gibberish, [...] saying them to a Scientologist is akin to Martin Luther nailing his 95 Theses onto the door of a Catholic Church and starting the Reformation."¹⁰⁴

"Virtually ALL Scilon top Sekrit dox now available online for free!"¹⁰⁵

Although Project Chanology is still underway (making it the longest running Anonymous operation in history) Anonymous largely believes that they are winning the war. In a long list of "CoS Fails" and "Anon Wins" Anonymous quantifies their victory in a number of ways, including increased attention and support from legal and media authorities. Anonymous lists positive coverage of Project Chanology in a number of high profile magazines, newspapers, and news agencies, (including "ZOMG! *positive* reports from FAUX NEWS of all people"¹⁰⁶) and celebrates their success at re-focusing and encouraging media authorities to "print the truth more

¹⁰³ Encyclopedia Dramatica, "Project Chanology."

¹⁰⁴ Encyclopedia Dramatica, "Scientology," accessed January 2012, <http://encyclopedia.dramatica.ch/Scientology>.

¹⁰⁵ "Virtually ALL Scientology top secret documents now available online for free!"

¹⁰⁶ "FAUX NEWS" is Fox News. Encyclopedia Dramatica, "Project Chanology."

and more often” now that Anonymous has distracted the “Scilons” (Scientologists) and run their resources too thin to censor all voices (“the Scilons are too busy to Fair Game *all* Critics at once”).¹⁰⁷

Similarly, Anonymous celebrates increased legal rulings around the world against the church despite the politics of religious pluralism. In an unprecedented praising of France called “France pwns¹⁰⁸ Scientology!” Anonymous announced:

While the IRS still views CoS as an official religion, over in Murka, France shat all over that rule and instead decided to grab the French branch of Scifaggotry by the balls and, in a moment of totally unexpected pwnage, France actually came down on CoS and fined them 600,000 euros (or \$900,000 to you dirty Americans) for money fraud.¹⁰⁹

Anonymous also lists increased cooperation and support from law enforcement, positive blog posts, and “public opinion notably much cooler towards Scientology”¹¹⁰ as “Anon Wins” during Project Chanology. Importantly, the inability to use local law enforcement “as their personal army” on the part of the Church of Scientology during the course of Project Chanology is listed as a major “CoS Fail.”¹¹¹

But the greatest indicator of success for Anonymous is the wide-spread availability of copyrighted and secret church documents across the Internet. This forced transparency of church doctrine is celebrated as the greatest achievement of the hacktivist collective and is in many ways understood as evidence of the utopian hopes the Internet possesses in the face of failed

¹⁰⁷ Ibid.

¹⁰⁸ “Pwns” is a slang reference to “owning,” or having a dominating victory (or “win”) in a game against another player

¹⁰⁹ Encyclopedia Dramatica, “Scientology.”

¹¹⁰ This is most likely a reference to the increased vitriol towards Scientology worldwide.

¹¹¹ Encyclopedia Dramatica “Project Chanology.”

traditional authorities that can be coerced and manipulated, especially through financial means. In a somewhat humorous response to allegations that this leaking project is spiritually destructive according to Scientology's organization as an esoteric religion, Anonymous is unable to think seriously about what repercussions lack of censorship might actually have on lay Scientologists, answering back, "The Church of Scientology, not wishing people to realize what a huge joke the Xenu story is, thus 'blowing their Org' [leaving the Church quickly and without warning] and taking that ever-delicious cash with them, warns Scientologists that hearing about Xenu before they are 'prepared' (read: sufficiently brainwashed and have made with the long green) to hear it will give them pneumonia and possibly make them die."¹¹²

Internally Anonymous defends their breaking of copyright law by reference to the "Hacker's Manifesto." Also called "the Conscience of a Hacker", "The Manifesto" is a short essay published in the hacking journal *Phrack* that attempts to introduce the non-hacker to the hacker's motivations and psychology. Written by "the Mentor" after his arrest in the mid-1980s, the essay is often considered one of the founding literatures for the hacking subculture and serves as an ethical orientation to new hackers.¹¹³ "The Manifesto" details the lack of imagination and challenge in the everyday world and inverts the criminal act of hacking into a celebratory act of discovery and education.¹¹⁴ In particular, Anonymous members quote the following as the definitive defense for their criminal actions:¹¹⁵

Yes, I am a criminal. My crime is that of curiosity. My crime is that of judging people by what they say and think, not what they look like.

¹¹² Encyclopedia Dramatica, "Scientology."

¹¹³ Tim Jordan, *Hacking: Digital Media and Technological Determinism* (Cambridge: Polity Press, 2008)

¹¹⁴ The Mentor, "Conscience of a Hacker," *Phrack Magazine* vol.1 issue 7, <http://www.phrack.org/issues.html?issue=7&id=3> .

¹¹⁵ Encyclopedia Dramatica, "Scientology."

My crime is that of outsmarting you, something that you will never forgive me for. I am a hacker, and this is my manifesto. You may stop this individual, but you can't stop us all... after all, we're all alike.¹¹⁶

In general, however, the criminal breaks with copyright claims have garnered more positive attention for Anonymous than negative. Founded in 1996, Operation Clambake was one of the first sites to publish secretive OT documents and was itself subject to a Digital Millennium Copyright Act (DMCA) takedown notice. Although Google complied with the request they archived the request in their Chilling Effects hub, a portal that informs the public about the nature of material that has been removed due to legal threats. Google also posted an explanatory note in the locations where the OT materials were removed, sending the reader onto the Chilling Effects hub. Eventually Google restored all original links.

Today many ex-Scientologists report that they are told to avoid the internet at all costs,¹¹⁷ a sure indicator that Anonymous has gone a long way to accomplish the goals set forth within Project Chanology. For Anonymous the Church of Scientology is dangerous precisely because of this kind of censorship; Project Chanology seeks to overthrow the church not just because Scientology is a new religion or “cult”, not just because required religious rituals cost money, and not just because the church withholds secretive doctrines. Instead Anonymous understands the danger of the Church of Scientology to stem from a complex interaction between all these factors so that information, money, secrecy, and control are all understood to act within the greater operations of censorship and fraud. Anonymous willingly breaks copyright and trademark legislations and uses the power of their digital technology tool set to whistleblow the Church of Scientology, believing this project to be one of restorative social justice in the wake of failure of

¹¹⁶ The Mentor, “Conscience of a Hacker.”

¹¹⁷ The Scientologists Freezone, “Information,” accessed December 2011, <http://scientologistsfreezone.com/information.shtml>.

traditional cultural authorities to see past a politically correct narrative of religious pluralism that has been hijacked for white collar crime.

CONCLUSION

One of the many iconic images to capture the ethos and motivating factors behind Project Chanology is of a single individual wearing a Guy Fawkes mask on the side of the road holding a poster that reads “Religion is Free \$cientology is Neither.” But the discomfort so many hold for Scientology goes beyond the simple requirement for the trade of cash in exchange for spiritual development. Instead, it is Scientology's unique and complicated combination of money, secrecy, religion, and control that is further understood to act within the greater operations of censorship and fraud that is so discomfoting, stretching our naturalized understanding of what religion should (and can) operate as.

The initial “bait advertisement” for many potential Scientologists is the offer of a free personality test. In their canvassing efforts on university campuses across the nation, the Church of Scientology distributes flyers advertising a free personality test for everything from potential career fits to psychological health profiles. Called “the Oxford Capacity Analysis” (OCA) the test promises an in-depth analysis of your personality and how it relates to every aspect of your life, allowing an individual to see their strengths, weaknesses, and problem areas (“those things that are blocking your true potentials and happiness in life”).¹¹⁸ The test is promised as a free evaluation without cost or obligation, a great service to the individual as the church explains “A test of this kind would normally cost you \$500.00 and up. It is offered to you here free of charge as a public service.”¹¹⁹

¹¹⁸ Church of Scientology International, Oxford Capacity Analysis, “About the test,” accessed January 2012, <http://www.oca.scientology.org/info/about.htm>.

¹¹⁹ Church of Scientology International, Oxford Capacity Analysis Test Online, <http://www.oca.scientology.org/>.

A completed test is forwarded to the closest Church of Scientology so that a (free) introductory auditing session can be performed based on the test results. Once an individual takes this initial personality test and follows up with her/his first auditing session they are introduced to the fundamental principles of the Church of Scientology. There they are faced with a choice; they can accept Scientology into their lives as a religious commitment or they can walk away. If they accept Scientology they are faced with a second choice, they may use the free public church materials and resources to learn about Scientology technology and live their lives as a Scientologist at this basic level, or they can decide to invest in spiritual training through auditing. But this first option, to live as a Scientologist at a basic level, is not really a valid spiritual option even according to the church, who goes on to claim “Although the purely philosophical aspects of L. Ron Hubbard’s works are sufficient in themselves to apply in everyday existence, only auditing provides a precise route by which individuals may travel to higher states of spiritual awareness.”¹²⁰

So a Scientologist who is serious about her/his spiritual evolution must undergo auditing for a lifetime as they attempt to travel the Bridge to Total Freedom, and they must pay (or, it is rumored, work off)¹²¹ the financial overhead for the cost of auditing training.¹²² For many church critics this is where the second layer of bait-and-switch imitation occurs as the Scientologist, now committed to a lifetime of payments for religious services, is censored from any detailed information about what these services include. In essence the newly converted Scientologist is

¹²⁰ Church of Scientology International, “What is Auditing,” accessed January 2012, <http://www.scientology.org/faq/scientology-and-dianetics-auditing/what-is-auditing.html>.

¹²¹ Recently the Church of Scientology is being investigated for Human Trafficking and slave labor violations; they are accused of allowing Scientologists to “work off” the cost of auditing sessions at the expense of human rights. See Adrian Chen, “The FBI is Investigating Scientology for Human Trafficking,” February 6, 2011, <http://gawker.com/5753356/>.

¹²² Church of Scientology International, “How are churches of Scientology financially funded?”

left in the dark about the complexities and depths of their own belief system and (in a cynical interpretation) must “buy” knowledge about their beliefs in small segments for the rest of their life.

The control and management of money is at the heart of some of Scientology’s worst public relations battles and tests naturalized assumptions about religion’s motivations and essentialized characteristics. Scientology's battle for tax exemption hinged upon the American judicial system's understanding of the characteristics, motivations, and overarching goals that identified religion even in the face of a church organization that looked like a business that profited from its members. Although not explicitly understood in bait-and-switch terms within the many legal battles for tax exemption, suspicion of L. Ron Hubbard’s religious sincerity haunted the trials. If the *United States v. Ballard* Court (who convicted leaders of the I AM movement for fraud on the belief of the prosecution that the leaders were selling religious material that they themselves did not believe) had been left as the standard test for religion in the U.S., we might have seen more critical engagement with the financial practices of Scientology within the IRS trials. Instead Scientology had to conform to the essentialized religion defined by the European Convention of Human Rights, Article 9(1) and matters of belief, worship, teaching, practice, and observance (above and beyond sincerity) had to be evidenced in court.

Once established as a religion by the IRS¹²³ the church was unable to secure protections of their secret materials because the courts did not understand this religious secrecy to be of central enough importance to the category “religion” to secure protection under religious rights. In a change of legal strategy the church was able to protect their materials through trade secret and copyright laws after successfully arguing that “its advanced tech materials are trade secrets

¹²³ Smith, *Relating Religion*, 376.

precisely because they are so expensive” and would constitute severe economic harm to the church if exposed.¹²⁴ This represents an interesting moment in which the Church of Scientology is able to defend the secrecy *and cost* of auditing sessions according to business law logics within the court (not religious rights), and at the same time understands these business protections to serve religious purposes so that trade secrets and copyright laws are doctored in to the overarching project of First Amendment freedom of religion rights.¹²⁵

Believing the legal system to have been pulled into the politics of religious pluralism and believing the mainstream media organizations to have failed to report on the movement because of these same politics, Anonymous worked to forcibly expose secret church documents in an effort to disable the switch part of a bait-and-switch con. Explicitly stating that Project Chanology had no wish to target anyone’s personal religious beliefs, Anonymous set their operational sights solely on the Church of Scientology’s organizational structure (as separate from Scientology beliefs). In one YouTube video released in May 2008 Anonymous detailed their project against Scientology as one that did not deal with religion at all but with a white collar criminal organization. Entitled “Re: Message to the Vatican” the video is nearly two minutes long and explicitly and repeatedly lists financial fraud as the main criteria for why the Church of Scientology (and no other religion) is under attack.¹²⁶

Anonymous believes the church (mis)uses the legal system to censor and control information and that they are able to do so because of the money they have scammed from their members through auditing sessions. Believing that traditional cultural centers of authority,

¹²⁴ Urban, *The Church of Scientology*, 185.

¹²⁵ Church of Scientology International, “Questions and Answers: Religious freedom, copyright law, and trade secret protection on the Internet.”

¹²⁶ Anonymous, “Re: Message to the Vatican,” [March 7, 2008], Video message, Accessed January 2012, YouTube, <http://www.youtube.com/watch?v=6NytLetaBek>.

specifically the legal system and the media, have been coerced and corrupted,¹²⁷ Anonymous uses the material and ideological resources of the hacking community to take control of a world that has become too politically correct, allowing criminal organizations to run rampant in the name of religious pluralism. While Anonymous is not so concerned with the sincerity of Hubbard (believing him to have eventually fallen for his own con), they still understand the church to be operating as a bait-and-switch con because of the church's combination of secrecy and financial cost.

But the historical situation that gave birth to the Church of Scientology allowed the movement to understand these same elements not through the lens of censorship but through a lens of secrecy, safety, information control, and science that stemmed from the American Cold War.¹²⁸ Encapsulating many mainstream American values of the 1950s and 1960s, the Church of Scientology understands their great religious discovery to be a scientific breakthrough: a new technology that can be scientifically applied to produce a standardized result, complete spiritual freedom. Like many self-help books of the time, Scientology technology imitated a popular understanding of science so that when the proper steps were followed, one by one, the desired result was a universal given; subjectivity could not tamper with objective laws that were universal and fool proof.

Scientology understands itself to be a scientific religion that utilizes standardized technology to produce universal results. Like the scientific method, if a step is skipped or not adequately prepared for, the entire process breaks down. Premature exposure to secret materials (exposure that occurs before the proper level of in-church training is reached) presents a major

¹²⁷ Operation Clambake, "NOTS34: Criminality successfully protected by copyright law" accessed January 2012, http://www.xenu.net/archive/events/9805henson-case/nots34_anal.html.

¹²⁸ Urban, "Fair Game," 356.

obstacle to Scientology's ultimate goal of spiritual enlightenment for all peoples on the planet.¹²⁹ Furthermore, because of the power of this technology it must at all times be administered by the correct experts and contained within the realm of the church's power.¹³⁰

Cultural Authority and the Negotiation of Religious Pluralism

Religious tolerance and religious pluralism have become increasingly important in a post-Cold War world. The law, if properly understood and administered, is thought to be the secular vessel that can maintain impartiality towards conflicting religious expressions and therefore "ensure a regime of religious toleration and pluralism."¹³¹ The rights to freedom of religion have become one of the hallmarks of a successful modern democracy and a way to distinguish the superior secular, yet tolerant, organization of the American government against the biases of atheistic European countries, the Muslim Middle-East, or communist China.¹³² Even when a religion in question is fiercely contested within the U.S., the legal victory for the movement is touted as a victory for American democracy. We can see this in practice as the U.S. now points fingers at the religious persecutions of France and Germany towards Scientology, despite the decades-long IRS struggle for recognition as a religion within the U.S..¹³³

A competing principle of liberty and democracy in the U.S. is that of freedom of conscience. Based upon a historical Protestant past, scholar Lucas Swaine identifies three "cardinal principles of liberty":

¹²⁹ "Why does the church have confidential scriptures?"

¹³⁰ This is directed most intensely towards Free Zone Scientology branches.

¹³¹ Winnifred Sullivan, ed., *After Secular Law* (Stanford: Stanford University Press, 2011), 2.

¹³² Winnifred Sullivan, *The Impossibility of Religious Freedom* (Princeton: Princeton University Press, 2005), 1.

¹³³ Urban, *The Church of Scientology*, 17.

Conscience must be free to reject lesser religious doctrines and conceptions of the good (the principle of rejection.) Conscience must be free to accept the good (principle of affirmation.) Conscience must be free to distinguish between good and bad doctrines and conceptions of the good (the principle of distinction.)¹³⁴

Swaine argues that these three principles of conscience are the founding elements required for the freedom of religious free exercise.¹³⁵ Religious pluralism is understood to work because of this right to choose, these freedoms of rejection and acceptance that are based on the ability to distinguish based upon information. Information fuels choice, choice fuels plurality and freedom.

James Madison and Thomas Jefferson, when discussing religious toleration, argued that nonmembers of a religious movement should not be required to pay tithes to that movement.¹³⁶ This becomes complicated when the Church of Scientology censors non-members from information based upon internal church arguments. In this historical understanding, religious pluralism depends upon a movement's inability to control the actions of nonmembers, a "sin" Scientology commits when they censor access.

This is made even more complicated when the church wins legal victories within the U.S. establishing it as a legitimate religion but the legal system denies the right of the church to protect their esoteric religious beliefs because it is not understood to be something central enough to what we understand as "religion." When the church turns to copyright and trade mark protections of their religious secrets, it presents a unique challenge to how we understand religious pluralism to function in the U.S.. The various legal rulings combine to establish the rather confusing scenario in which Scientology can be a religion that censors its own members,

¹³⁴ Lucas Swaine, *The Liberal Conscience: Politics and Principle in a World of Religious Pluralism* (New York: Columbia University Press, 1969), xvii.

¹³⁵ *Ibid.*, 72.

¹³⁶ *Ibid.*, 77.

but it cannot censor outsiders according to religious protections, *however, it can censor outsiders according to business protections.*

In *The Impossibility of Religious Freedom*, legal scholar Winnifred Sullivan argues that any legal scheme that includes religious rights legislation also includes the legal construction of religion,¹³⁷ and in the U.S. that construction is determined according to the language and standard of the Christian tradition. Even when the American courts have conceded the impossibility of defining religion itself, when presented with questions concerning religious expression or motivation religion falls onto a spectrum of essential and nonessential, as well as good and bad, characteristics. In the West good, essential religion is defined according to a Protestant Christian heritage so that religion is “private, voluntary, individual, textual, and believed”¹³⁸ and those expressions that are public or coercive are understood as something that masquerades as religion, or acts as “bad” religion (inauthentic or manipulated religion).¹³⁹ In other words, law acts as a space that elicits some stories of what religion is, while closing off the possibility of others.¹⁴⁰ In the court room religion must be evidenced according to these schemas in order to receive the protections and privileges of religious rights legislations, so that an individual or movement must define themselves according to legal categories and be able to confirm their definitions by secular experts who can speak with certainty.¹⁴¹

Academics often serve as secular experts over these categories. The history of public education in the U.S. includes the hope of secular public instruction “as a countermeasure to

¹³⁷ Winnifred Sullivan, *The Impossibility of Religious Freedom*, 1.

¹³⁸ *Ibid.*, 8.

¹³⁹ Winnifred Sullivan, ed., *After Secular Law*, 43.

¹⁴⁰ *Ibid.*, 285.

¹⁴¹ Winnifred Sullivan, *The Impossibility of Religious Freedom*, 10.

religious divisiveness,” serving to promote religious tolerance as well as acting as a site of knowledge production and cultural preservation.¹⁴² Like law, science (acting within the modern university) is understood to be inherently rational and universal so that it is “destined to emancipate itself, sooner or later, from the communal particularisms of religious and tribal polity.”¹⁴³ Scientology consistently recognizes the cultural authority of academic experts and the law as they continue to cite these within the realms of their own church materials as proof of their authentic religious status.

But the law is not static or universal and the applications of constructed legal categories to local and historical expressions of religion can cause secular law to “catalyze religious expression in unexpected ways.”¹⁴⁴ As law does the work of culture by defining the boundaries of what it means to be human, the law also stimulates culture as different people “[attempt] to inhabit shared but contested spaces, resources, and identities.”¹⁴⁵ As Scientology reacted to legal decisions about what religion is, we were able to witness the movement interacting with the legal system to re-imagine, and re-confirm, the categories of religion even while the dynamic growth of Scientology into a readily definable religion left many feeling uncomfortable. But the ability to be protected by religious freedom legislation goes beyond rights into the ability to successfully wield the cultural capital of religion itself. As Sullivan remarks, “It is quite striking to many who study First Amendment law in the U.S. how often religious groups seem to need the permission, even the blessing, of the courts and legislatures to do what they say they are compelled to do for religious reasons... Legitimacy is understood to be conferred by the secular, not the religious

¹⁴² Winnifred Sullivan, ed., *After Secular Law*, 130.

¹⁴³ *Ibid.*, 121.

¹⁴⁴ *Ibid.*, 282.

¹⁴⁵ *Ibid.*, 283.

authority.”¹⁴⁶

Media authorities act in a similar way as legal authorities to direct, and be implicated, within the workings of culture, and in the case of religious authority this means that the media, like the law, work to negotiate how we think about religion. Media work to condition the way knowledge is produced and shared¹⁴⁷ and act as a cultural forum in which complex relationships between people and ideas are negotiated.¹⁴⁸ Because of their economic basis in capitalism, media are equipped with a powerful autonomy that allows them to shape these discourses even as they are shaped by them,¹⁴⁹ and some have argued that the media today take on a primary role in the creation and enforcing of social values (once a job largely undertaken by religious institutions).¹⁵⁰ Often understood as the “most credible sources of social and cultural information,” media are attributed as setting the context and agenda for what we know about reality,¹⁵¹ a project that is especially complicated as media authorities report on religious pluralism.

Since the Cold War media reporting on “fringe” religions in the U.S. has for the most part depicted these movements as characteristically un-American. Members of these religions are often nameless and indistinguishable from one another, they are fanatical and emotional, irrational and naïve; in short they represent all the characteristics least suitable for a running

¹⁴⁶ Winnifred Sullivan, *The Impossibility of Religious Freedom*, 247.

¹⁴⁷ Stewart Hoover, *Religion in the Media Age* (New York: Routledge, 2006), 12.

¹⁴⁸ *Ibid.*, 10.

¹⁴⁹ *Ibid.*, 8.

¹⁵⁰ *Ibid.*, 15.

¹⁵¹ *Ibid.*, 9.

democracy.¹⁵² In the 1960s and 1970s a cultural shift that placed value on religious pluralism began and reporting on the fringe changed in some ways, so that reporting on traditional “Other” religions (like Buddhism or indigenous traditions, especially of immigrants) became somewhat more ambivalent, but the Christian Anti-Cult movement of the 1970s and 1980s darkened the remaining religious periphery, separating sharply religious pluralism from “inauthentic” religious traditions (“cults”).¹⁵³ Journalists reporting on religion acted as “heresiographers,” identifying authentic and inauthentic religion while working to establish symbolic boundaries between the two categories,¹⁵⁴ replicating and legitimating existing social power relations as they did so.¹⁵⁵

As Scientology won the title of religion in legal and mainstream media realms many outsiders remained uncomfortable with the church’s combination of money and religious secrecy. In the 21st century the opportunities presented by the hacking skill set offered up a new set of possibilities in which citizen action could move beyond the decisions of traditional cultural authorities. Hacking is as much a worldview as it is a skills set, it represents autonomy, fun, individually driven action, and the potential to make a quantifiable difference in the world; hacking for many hackers is about moving beyond just surviving in the modern world to affecting it.¹⁵⁶ Anonymous, orientated by this hacking ethos, used their skills set to re-claim the category of religion back from the Church of Scientology in the face of traditional secular cultural authorities. But although Anonymous represents the new realm of possibilities of

¹⁵² Sean McCloud, *Making the American Religious Fringe: Exotics, Subversives, and Journalists, 1955-1993* (Chapel Hill: The University of North Carolina Press 2004), 3-6.

¹⁵³ *Ibid.*, 4.

¹⁵⁴ *Ibid.*, 4.

¹⁵⁵ *Ibid.*, 28.

¹⁵⁶ Tim Jordan, *Hacking*, 1-4.

usurping action made possible through new media technologies, Project Chanology is mired in the same logics of good religion/bad religion as the U.S. legal system and envisions their project in many ways to be an extension of traditional media duties.

Fraudulent religion, understood here to be an intimate and complex interaction between cash, secrecy, censorship, and control, is at the heart of Scientology's struggles with legitimation as a religious movement in the U.S. Scientology's battle with the U.S. legal system demonstrates how slippery religion as a category is, and how seemingly fraudulent religion must be afforded the same rights as uncontested religion in order for the entire system to work. Jonathan Z. Smith has argued that the IRS is the most powerful arbitrator of religion in the US, but the extensive victories of Project Chanology demonstrate that when the legal system does indeed include a fiercely contested religion in the realm of religious rights protection those legal decisions are not always understood as legitimate. Instead many believe the Church of Scientology has used its financial wealth to coerce the legal system, a process made easier by the central values of religious pluralism and difference in the United States.

What counts as human is not given and the real political work behind the deployment of the term religion has at stake the classification of a person's humanity;¹⁵⁷ "religion" works to nuance the relationships between humans, including the super and subhuman. Scholars of religion are beginning to turn away from the categories of good/bad and authentic/inauthentic religion to understand how the term religion is put to work when combined with ideas of legitimacy, authenticity, and fraud. David Chidester has argued that even when we are presented with an unquestionably fake "religion" real religious work can, and does, still exist.

Chidester wants us to think through what categories of fraud and authenticity realistically

¹⁵⁷ David Chidester, *Authentic Fakes: Religion and American Popular Culture* (Berkeley: University of California Press, 2005), 220.

do in the public sphere when they are linked with the term “religion,” something he accomplished by attempting to look at some of the things that act like religion, fit classical disciplinary definitions of religion, but are widely accepted as “not religion.”¹⁵⁸ When understood in this way we can imagine authentic religious work to include the forging of communities, focusing of desires, and the facilitation of exchanges.¹⁵⁹ Similarly, when communities or movements are “outed” for being fake, real religious work is being accomplished in the fallout.¹⁶⁰ Communities of support and critical inquiry, much like Anonymous, work to cultivate deep senses of belief related to truth and fraud that is worked upon by data collection and community building.¹⁶¹

Winnifred Sullivan has argued that the removal of religion as a legal category from the U.S. legal system would translate into a more equitable legal system that would not privilege (as much) Christianity over all other traditions. Sullivan also believes that the removal of religious rights legislation and their associated protections and privileges would create a more Darwinian-style playing field for religious expression, leaving religious movements to die or thrive on their own accord.¹⁶² The history of the Church of Scientology in the US shows us that the social capital from legal protections of religion may in some cases be overstated, however, as the traditional media, and digital interactionism of the new media, can create powerful hegemonic narratives about and beyond the law. Because it is interpreted by many to be a fraudulent

¹⁵⁸ Chidester’s working definition of religion is a “way of being human in a human place.” 2.

¹⁵⁹ Ibid., vii.

¹⁶⁰ Deborah Whitehead, “The Evidence of Things Unseen: Faith and Authenticity in the Blogosphere,” Unpublished draft.

¹⁶¹ Whitehead, “Evidence of Things Unseen.”

¹⁶² Winnifred Sullivan, *The Impossibility of Religious Freedom*.

religion, the Church of Scientology stretches our imaginations about what religion can be (and who ultimately gets to decide) in a religiously plural world.

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