

Defiant Worship:
How Conservative Christian Legal Organizations are Changing Legal Culture

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Introduction

This article draws on interactive social media content collected from Facebook and Twitter during the first six months of the COVID-19 pandemic in order to examine responses to the public health measures that restricted indoor forms of religious assembly. Restrictions on indoor religious gatherings were challenged in courts and their constitutionality was addressed by the Supreme Court over the summer of 2020. This historic period, with lockdowns, testing, contact tracing, and vaccines—not to mention its prohibition on public gatherings—provides a unique opportunity to assess religious liberty claims during a nationwide public health emergency.

Taking advantage of this rare opportunity, the article offers a critical analysis of religious freedom discourse engendered by the coronavirus pandemic. We adopt a fairly unconventional approach to explore social media content for the meanings given to religious freedom in this historic moment. Our core focus is discourse related to what we describe as “defiant worship”—actions taken by pastors and congregations that violated state mandates about indoor religious gatherings. Our findings contribute to a growing body of secondary literature that deconstructs assumed binaries between secular and religious, legal and lay, and public and private spheres.

Religious freedom is not a *sui generis* phenomenon with a portable essence across these spheres, but is formed at their junctures.

Debates about religious liberty are not new. Contests over the limits of religious freedom have been a rich area of scholarly research and, in recent years, scholars of law and religion have shown how institutions and organizations have used the *ideal* of religious freedom to various ends: in US foreign policy, empire-building, cemeteries, prisons, and legal advocacy.¹ This literature raises important questions about contestations over religious freedom as a set of values needing protection (e.g., equality, liberty of conscience). Tisa Wenger, for example, argues that in the early years of the republic, Americans viewed religious freedom as a defining ideal of the new nation. But what that meant took shape in various ways. Baptists, for instance, understood religious freedom first and foremost as the freedom to follow God's law without interference from the state.² About the early twentieth century, she writes, "religious freedom talk" was employed by marginalized groups as a way to establish credentials "as patriotic Americans," and to reposition themselves on the American "religio-racial landscape."³ Similarly, Elizabeth

¹ On US foreign policy, see Elizabeth Shakman Hurd, *Beyond Religious Freedom The New Global Politics of Religion* (Princeton, NJ: Princeton University Press, 2015); Jolyon Baraka Thomas, *Faking Liberties: Religious Freedom in American-Occupied Japan*, New Studies in Religion (London: The University of Chicago Press, 2019). On empire-building, see Tisa Wenger, *Religious Freedom: The Contested History of an American Ideal* (Chapel Hill: The University of North Carolina Press, 2017). On cemeteries, see the work of Winnifred Fallers Sullivan, *The Impossibility of Religious Freedom* (Princeton, NJ: Princeton University Press, 2005). On prisons, see also Winnifred Fallers Sullivan, *Prison Religion: Faith-Based Reform and the Constitution* (Princeton, NJ: Princeton University Press, 2009); Joshua Dubler, *Down in the Chapel: Religious Life in an American Prison*, First edition (New York: Farrar, Straus and Giroux, 2013). On legal advocacy, see Daniel Bennett, *Defending Faith: The Politics of the Christian Conservative Legal Movement* (Lawrence, Kansas: University Press of Kansas, 2017); Méadhbh McIvor, *Representing God: Christian Legal Activism in Contemporary England* (Princeton, NJ: Princeton University Press, 2020).

² Wenger, *Religious Freedom*, 10.

³ Wenger, *Religious Freedom*, 239.

Shakman Hurd characterizes the post-Cold War US advocacy of religious freedom abroad as a policy discourse of religious freedom that is “a historically contingent economy of belief and unbelief,” rooted in an ontologically fixed binary between religion and non-religion that “feeds the culture war as each side digs in.”⁴

Religious communities reflect different attitudes toward litigating issues of religious freedom. In her ethnographic work in the 1970s, legal anthropologist Carol Greenhouse found that local Baptists in a suburb of Atlanta were conflict-averse and, like most Americans, did not like to litigate their differences. That they did not use the courts to resolve disputes with each other was not unusual, she writes, but what distinguished the community was the “cultural logic” with which the futility of disputing was addressed.⁵ For the Baptists she observed, conflict, as they understood it, belonged to, and even defined, the secular social order; it was safely located outside the parameters of their church community. Although Greenhouse never witnessed such discrimination, her interlocutors often spoke about their relations with non-Christians as sources of conflict and persecution for their beliefs.⁶ This was readily understood as a test willed by God, and not something they necessarily, or even advisedly, thought they had legal recourse to solve.

In contrast, Sarah Barringer Gordon studied believers who actively engaged with the law, approaching constitutional law from their religious commitments.⁷ Calling this an example of popular constitutionalism, she argued that, although they knew that the courts and legal elites

⁴ Elizabeth Shakman Hurd, “Border Religion,” in *At Home and Abroad: The Politics of American Religion*, ed. Winnifred Fallers Sullivan and Elizabeth Shakman Hurd (New York: Columbia University Press, 2021), 236–37.

⁵ Carol J. Greenhouse, *Praying for Justice: Faith, Order, and Community in an American Town* (Ithaca, NY: Cornell University Press, 1986), 110.

⁶ Greenhouse, *Praying for Justice*, 96.

⁷ Sarah Barringer Gordon, *The Spirit of the Law: Religious Voices and the Constitution in Modern America* (Cambridge, MA: Belknap Press of Harvard University Press, 2010).

thought otherwise, they insisted the Constitution should protect them.⁸ “Religiously motivated actors,” Gordon writes, “have always been more attuned to their own constitutional claims than to the niceties of legal doctrine.”⁹ These individuals insisted that the religion clauses of the First Amendment promise protections from the exercise of state power, regardless of the precedent established by the courts.

More recently, scholarship on conservative Christian legal advocacy has noted a “rights turn” by many Christian conservative organizations dotting the landscape of American politics. A Christian conservative legal movement (CCLM) emerged at the turn of the twenty-first century to litigate a range of Christian concerns over abortion, hiring discrimination, prayer in schools, same-sex weddings, a contraceptive mandate, and teaching creationism as an alternative to evolution, among others. Scholars tracking the development of the Christian Right have noted a shift in emphasis from a morals frame to a rights frame—from “taking the life of the unborn is immoral” to “pro-life protesters have constitutionally-protected rights.”¹⁰ The leading Christian conservative legal organizations (CCLOs) have increasingly deployed a rights frame and have honed constitutional arguments for the freedom of speech as a supplement to religious freedom

⁸ Gordon, *The Spirit of the Law*, 3.

⁹ Gordon, *The Spirit of the Law*, 212.

¹⁰ Bennett, *Defending Faith: The Politics of the Christian Conservative Legal Movement*; Paul A. Djupe et al., “Rights Talk: The Opinion Dynamics of Rights Framing,” *Social Science Quarterly* 95 (2014): 652–68; Ted G. Jelen, Andrew R. Lewis, and Paul A. Djupe, “Freedom of Religion and Freedom of Speech: The Effects of Alternative Rights Frames on Mass Support for Public Exemptions,” *Journal of Church and State* 60, no. 1 (2018): 43–67; Amanda Hollis-Brusky and Joshua C. Wilson, *Separate but Faithful: The Christian Right’s Radical Struggle to Transform Law and Legal Culture* (New York: Oxford University Press, 2020); Andrew R. Lewis, *The Rights Turn in Conservative Christian Politics: How Abortion Transformed the Culture Wars* (New York: Cambridge University Press, 2017); Steven J. Morgan, “Rights Talk at the Intersection of Religious Conservatism and U.S. Politics” (PhD diss., Pennsylvania State University, 2020).

rights. During the COVID-19 pandemic, CCLOs argued that religious freedom is a positive right of law (as opposed to a negative liberty) and challenged COVID-19-related restrictions as a violation of First Amendment rights to religious freedom, free speech, and the freedom of assembly.

CCLOs were formed to promote their vision of an approach to civil liberties firmly rooted in Christian morality and biblical principles. Yet as they entered the public sphere to advocate for their understanding of Christian interests in courts of law, they adopted secular rights-based language and a narrative emphasizing their own marginality in a society that not only is hostile to their faith, but also fails to practice the equality of rights it preaches. At once a discourse of equality and exceptionalism, this narrative rests on the premise that being Christian means accepting a minority status, an identity that affords legal protections that are no better nor no worse than they are for other minoritized persons (be it by race, gender, sexuality, or disability). Politics connecting freedom with equality are both religious (based on scripture) and secular (based on the Constitution). Meadhbh McIvor observes that while such Christian advocacy in the secular realm is meant to actualize God's universally beneficial "blueprint" for society as a whole, the claim to a protected status under the law has reaffirmed, paradoxically, Christianity as just one of several protected categories, with the state obligated to neutrality in relation to religion; that is, the state must treat religious activities the same as secular ones.¹¹

In these and similar cases, the relational tension between the individual and the state, along with the interplay between popular and specialist forms of knowledge, is always present. In this article, we call attention to the contingencies in people's engagements with moral and legal claims, adding to the body of literature that has focused on how these have manifested at

¹¹ McIvor, *Representing God: Christian Legal Activism in Contemporary England*, 119.

other specific times in American history. The implications of popular constitutionalism and how it intersects with religious belief have changed since the internet and social media have come to define much of the way we communicate. Sociolegal scholars have studied religious freedom discourse in various offline and everyday contexts; we wonder whether this specific public emergency magnifies discursive processes already underway in other places that are less clear in less turbulent times. In this article, we use text-based data from sites like Facebook and Twitter to study the online circulation of religious freedom talk. As religious studies scholar Isaac Weiner points out, these kinds of conversations “leave little trace in the evidentiary record,” presenting a methodological challenge for the study of non-specialist (i.e., popular) constitutionalism.¹² Social media platforms provide a useful dataset, since it serves as a major evidentiary record of this interaction.

We examine some of the claims about religious liberty and COVID precautions found in social media texts between mid-March 2020, when most states began to issue COVID restrictions, and the end of September 2020, when the first wave of widespread infection had abated. We begin with a synopsis of the first six months of the lockdown before we explain our qualitative approach to studying recent online rhetoric surrounding the pandemic. Next, we discuss three related themes that are especially prominent in the data: the relationship between religion and the US Constitution, the interaction between religious and legal discourses, and the case for equal treatment. After summarizing our key findings, we discuss the contributions and limitations of this study and suggest areas for future inquiry.

¹² Isaac Weiner, “The Corporately Produced Conscience: Emergency Contraception and the Politics of Workplace Accommodations,” *Journal of the American Academy of Religion* 85, no. 1 (2017): 35.

The First Six Months of the Coronavirus Pandemic in the United States

On January 21, 2020, the US Secretary of Health and Human Services declared a public health emergency for the United States. By the end of November, the US had both the world's highest number of reported cases and, at more than 250,000, the highest number of reported deaths attributed to COVID-19. From March to November 2020, state and local governments deployed a variety of virus mitigation measures to "flatten the curve," policies that had the effect of limiting social contact and restricting the operations of businesses deemed "non-essential," such as restaurants, bars, gyms, sports venues, hair salons, barber shops, daycare centers, schools, public libraries, and many retailers. Most businesses and organizations that were deemed "essential" followed public health guidelines by implementing the mitigation strategies recommended by the Centers for Disease Control and Prevention (CDC), keeping within building capacity limitations, frequently disinfecting public areas, and requiring face masks and a six-foot distance between people.

As every state in the nation issued orders limiting social interaction, adoption of the mitigation strategies varied significantly by county and even in some cases by city. While the public strongly supported government-issued stay-at-home orders during the initial months of the pandemic, prohibitions of mass gatherings proved controversial. Roughly one-third of the states allowed religious gatherings to continue without restrictions during the first eight months of the pandemic. By early April 2020, only ten states prevented in-person religious gatherings in any form and required houses of worship to close their facilities. Many of these bans were challenged in federal courts as a violation of First Amendment rights. As these lawsuits were pending, these and other states carved out exemptions for religious gatherings in an attempt to balance public health concerns with religious liberty. Many specified in their directives that indoor religious

gatherings could continue to take place only if limited to no more than a handful of congregants. In some places, drive-in theaters that were not allowed to open for the public were allowed to open for local churches, and in others, congregants gathered in church parking lots to listen to their pastors from their car radios.

Most congregations across the nation complied with the restrictions, yet a few pastors continued to offer in-person church services in defiance of official warnings. They claimed that religious liberty was more important than public health or even that their faith would shield them from the virus.¹³ Some insisted that authorities add churches to the list of essential services exempt from the lockdown.¹⁴ A few pastors and congregations who defied the orders were arrested, fined, or sued in court for opening their physical spaces for worship, but the sanctions were varied. Several defiant churches across the country filed lawsuits against public officials, arguing, among other things, that the regulation of their indoor gatherings violated their constitutional rights to assemble, to speak, and to worship.¹⁵

Defiant worship was widely criticized in the news as churches, weddings, and funerals were identified as “superspreaders” of the virus. At the same time, the defiant pastors were lauded as heroes in some quarters, and their cause was taken up by the leading CCLOs like the Alliance Defending Freedom, Liberty Counsel, and the Thomas More Society. Over the summer

¹³ Paul A. Djupe and Ryan P. Burge, “The Prosperity Gospel of Coronavirus Response,” *Politics and Religion* 14, no. 3 (2021): 555–56.

¹⁴ “Declaration of Essentiality for Churches Petition,” Tyler & Bursch, LLP, accessed January 5, 2021, <https://www.tylerbursch.com/religious-petition-to-governor-gavin-newsom>.

¹⁵ For the main types of arguments for and against religious service restrictions, see “Arguments against Religious Service Restrictions during the Coronavirus (COVID-19) Pandemic, 2020,” Ballotpedia, accessed September 27, 2021, [https://ballotpedia.org/Arguments_against_religious_service_restrictions_during_the_coronavirus_\(COVID-19\)_pandemic,_2020](https://ballotpedia.org/Arguments_against_religious_service_restrictions_during_the_coronavirus_(COVID-19)_pandemic,_2020).

of 2020 the US Supreme Court rejected challenges to religious gathering restrictions. But with the replacement of Associate Justice Ruth Bader Ginsburg by Amy Coney Barrett, the direction of the Court's rulings reversed. By April 2021, houses of worship—mostly evangelical or Catholic and politically conservative—had won a series of cases in the nation's highest court. During the initial period of the pandemic, which is within the scope of this study, several websites and blogs of the CCLOs proclaimed that churches were “hamstrung by illegal edicts;” that lockdowns were “costing more lives than the virus itself” in the form of increased suicides, domestic violence, and drug overdoses; and that state policies “upended social norms, religious expression, and ministries’ ability to serve their communities.”¹⁶ Many of these and similar accounts were circulated on Facebook and Twitter. The next section defines our approach to the study of social media content.

Data

Data collection

We began by collecting social media posts (data) from Facebook and Twitter during the period in 2020 between mid-March and the end of September. This period began with the first COVID-19-related state mandates. It also encompassed the first surge in infection rates in the United States as well as the first four decisions by the Supreme Court on the constitutionality of church closings. To put it another way, at the time of data collection, a national debate about

¹⁶ “COVID Shutdowns Turn Deadly,” Liberty Counsel, August 6, 2020, <https://lc.org/newsroom/details/20200806-covid-shutdowns-turn-deadly?fbclid=IwAR20HerCudljihTIaQAORuKLCyYK8WUXDnBf-57PnsZNas7kNzafByIQRXQ>; “A Deadly Consequence,” Faith and Liberty, August 7, 2020, <https://faithandlibertydc.org/detail/20200807a-deadly-consequence>; “COVID-19 Reopening Resource,” Alliance Defending Freedom, accessed July 30, 2020, <https://adflegal.org/covid19/Reopening-Resource>.

whether houses of worship should close was ongoing. We looked exclusively at content created or selected and shared by individual users rather than groups or organizations, though individual users sometimes re-posted organizations' messages. We were interested in the discussion around restrictions on religious gatherings and their downstream consequences. Our methods are consistent with a modified grounded theory approach and critical discourse analysis.¹⁷ In order to maximize our dataset, we used the most general possible search terms related to our topic. We used an open-coding system with particular attention to "religion," "liberty," "freedom," "covid," "church closing," and "pandemic." Using both platforms' ability to specify date ranges for searches using url query strings, we made sure to have comparable data for each month, providing religious liberty arguments against COVID-related restrictions of religious gatherings. Through this search process we collected 462 relevant posts across the two platforms. We make no claims that this dataset is representative of all social media texts posted about the pandemic during the several months of our study. The total volume is massive, to be sure, and we presume our small-N study to be miniscule by comparison. Nor have we attempted to link the data we collected with demographic or other identifying information. In other words, we are not making a survey of a representative sample of social media users and their demographic information, or a correlation between certain variables, like their occupations or frequency of social media use and their stated opinions. In short, neither are we foregrounding the users and their usage of online or social media, nor are we making a claim about social media influence on society. Rather, we are interested in understanding the *rhetorical arguments* contained in texts posted by users who, as

¹⁷ See, for example, Rod K. Brunson and Amanda D'Souza, "Grounded Theory," in *The Encyclopedia of Research Methods in Criminology and Criminal Justice*, ed. J. C. Barnes and David R. Forde, vol. 1 (New York: John Wiley & Sons, 2021), 195–99. See, for example, Gwen Bouvier and David Machin, "Critical Discourse Analysis and the Challenges and Opportunities of Social Media," *The Review of Communication* 18, no. 3 (2018): 178–92.

far as we can determine, are non-specialists in the field of constitutional law. Through a close reading of texts on a single issue, we interrogate a dialogue about religious freedom in a specific time period. The dataset we collected provides enough material to discern the underlying meanings and the same refrains being repeated in the arguments about religious freedom in this crisis moment.¹⁸

As a source of data, social media posts are especially useful in developing an understanding of the meaning and weight given to religious freedom when it is perceived to be at risk. Rather than using social media data as evidence for a particular preconceived theory—a top-down approach—our research goal was to discover recurrent themes in social media discourse generated by COVID-related restrictions on indoor religious gatherings. We used the software package QSR-NVivo (Release 2.1) to manage the codes for our pandemic data. In order to let themes emerge rather than impose them on the data, we consciously erred on the side of overinclusion, creating a code for every rhetorical argument we detected. To move from an undifferentiated set of data toward a thematic framework, we devised some analytical techniques

¹⁸ As some readers will note, we implicate, but do not explicitly engage with, a vein of social scientific scholarship relating to social media use itself, associated with big-scale data analysis. This article is a partial answer to social media scholars' call for mixed methods design and small-scale, in-depth and context-specific approaches that inform our understanding of social phenomena and the content that social media contain. Dhiraj Murthy and Sawyer A Bowman, "Big Data Solutions on a Small Scale: Evaluating Accessible High-Performance Computing for Social Research," *Big Data & Society* 1, no. 2 (2014), ; Lori McCay-Peet and Anabel Quan-Haase, "What Is Social Media and What Questions Can Social Media Research Help Us Answer?," in *The Sage Handbook of Social Media Research Methods*, ed. Luke Sloan and Anabel Quan-Haase (Thousand Oaks: Sage, 2016), 13–26; Frauke Zeller, "Analyzing Social Media Data and Other Data Sources: A Methodological Overview," in *The Sage Handbook of Social Media Research Methods*, 386–403. According to McCay-Peet and Quan-Haase, social media studies can "rely on either large data sets that aggregate terabytes of information or, through small-scale studies, examine the local behavior" of a small set of users as it relates to specific subject content, providing insights into a single phenomenon. See McCay-Peet and Quan-Haase, "What Is Social Media and What Questions Can Social Media Research Help Us Answer?," 22.

that were descriptive and captured relationships between discrete elements within rhetorical arguments. We devised a form of actantial analysis to explore the organization of meaning across the text as a whole, paying particular attention to the argumentative and persuasive aspects of the text.

Methods of Analysis

Using a semiotic approach, we conceived of these argumentative aspects as forms of predication. Every rhetorical argument (and every proposition) predicates something of a subject. So, “Sarah is tall” predicates “tall” of “Sarah.” A detailed analysis of patterns of predication can disclose the worldview or discursive field of their author. For example, writing “Mountains are tall” may not disclose anything counterintuitive to most English language readers. But if someone writes “Mountains love the clouds,” this may reveal an unfamiliar worldview. Using this fine-grained semiotic analysis, simple statements can reveal volumes about the world their author inhabits.

To this end, we borrowed from a form of analysis pioneered by Algirdas Greimas focusing on actants. Actants are noun items that perform or undergo these predicates. For example, in “Mountains love the clouds,” *mountains* and *clouds* are both actants: the mountains are the actants that love and the clouds the actants that are loved. Specifically, the former is the subject and the latter the object. This framework of subject and object is a key opposition in Greimas’s actantial syntax.¹⁹

¹⁹ A. J. Greimas, “Narrative Grammar: Units and Levels,” *Modern Languages Notes* 86, no. 6 (1971): 793–806; Algirdas Julien Greimas, “Les Actants, Les Acteurs, et Les Figures,” in *Sémiotique Narrative et Textuelle*, ed. Claude Chabrol (Paris: Paris, Larousse, 1973), 161–76; see also Matthew Burroughs Price, “Old Formalisms: Character, Structure, Action,” *New Literary History* 50, no. 2 (2019): 245–69; John Corso, “What Does Greimas’s Semiotic

Our qualitative analysis of rhetorical arguments revealed additional non-actantial noun items. These noun items relate to the actants, but were not themselves actantial. For example, consider “Sarah is tall, like a tree.” *Tree* is meant as an analogy for Sarah. But the rhetorical argument is not that trees are tall, since *tree* is not the actant of the predicate. Non-actantial noun items thus exemplify or evidence actants without themselves being the subject or object of predicates. They can be either analogous or in contrast to actants. Thus, our semiotic analysis included a fourfold taxonomy: (1) subjects, (2) rhetorical arguments (predicate/verb), (3) objects (direct or indirect), and (4) examples, which could either be (4a) a token (another instance of the subject/object’s type) or (4b) whatabouts (something contrasting to the subject/object). These four categories comprised a set of nodes we used to code our data, coding of argumentative syntax.

We used a second set of nodes to code for argumentative content. These were broadly divided into (I) noun items and (II) predicates. In the first, (I), we coded for things like freedom, liberty, church closing, divine authority, politicians, etc. These could be cross-coded in the syntactic roles of (1) subject, (3) object, or (4) example. The second, (II), included verbal items, such as “*x* is free from government,” “*x* is motivated by money,” “*x* is emblematic of disproportionate persecution,” “*x* is oppressing *y*,” etc., where *x* and *y* are subjects and objects respectively. These all are syntactically subsumed under (2), since they are all predicates. This system of using two levels of coding—one concerning meta-level syntax (1-4) and the other concerning content and signification (I-II)—comprised a novel approach to qualitative coding, providing a powerful tool to compare and contrast rhetorical arguments in our data set.

Square Really Do?,” *Mosaic : A Journal for the Interdisciplinary Study of Literature* 47, no. 1 (2014): 69–89; Thomas Pavel, “Human Action in Narrative Grammars,” *Semiotica* 2017, no. 214 (January 1, 2017): 219–29.

An example will help make the use of our scheme clear. Take the following excerpt from our data set:

“Why isn't the constitutional right to religious freedom granted the same leniency during a pandemic that the right to protest for racial justice has? Are mass gatherings only excused when we're protesting police brutality?”²⁰

Although these are rhetorical questions, the general argument is clear. The main subject is the right to assembly, a First Amendment right. The author feels it is being disproportionately applied. Thus, its integrity is threatened. This is the rhetorical argument. Religious gatherings are the object affected by its selective enforcement. The text argues that protests, by contrast, are given disproportionate protection. It is thus what we call a “whatabout,” a noun-item contrasting the object. We can summarize below:

First Amendment rights (subject) *are threatened* (rhetorical argument) for *religious gatherings* (object), and not for *protests* (whatabout).

Here, the words in italics are first-order content codes. The words in parentheses indicate the second-order syntax codes. Our scheme thus pares down the original text into its basic elements and their relationships, i.e., the threat to the First Amendment affects religious gatherings in a way it does not affect protests.

Findings

Religion and the Constitution

²⁰ The Issues of My Time (@IssuesOfMyTime), “Why isn’t the constitutional right,” comment on @authoredbyjen, Twitter, August 8, 2020, <https://twitter.com/IssuesOfMyTime/status/1292190870268239874>.

As we coded and analyzed our pandemic data it quickly became evident that the First Amendment was a central theme in the discourse surrounding religious liberty. Word Cloud 1 represents the top one hundred words found in a subset of our dataset, delineated by the criterion that each text argued some subject was “free from government” (FFG). In Word Cloud 1a, we have removed the distant and less frequently used words to focus on the core cluster of religious-political words that occurred in this discourse. [Word Cloud 1 about here. Caption: Word Cloud 1: Word Frequency for Argued as “Freedom from Government”] [Word Cloud 1a about here. Caption: Word Cloud 1a: Subsection of Word Cloud 1] Each word’s size indicates its relative frequency in the subset. Terms associated with religion—*religious, church, god*—are prevalent, followed closely behind by words associated with the Constitution—*right(s), first, amendment, and constitution(s)*.

These “free from government” (FFG) word clouds show that religious and constitutional themes are closely associated with each other with respect to the topic of freedom from government. The appearance of *Caesar* in the word cloud is significant. In our data set, it refers to a biblically-based argument against the state’s deployment of COVID-19 restrictions: “Render unto Caesar the things that are Caesar’s, and unto God the things that are God’s.”²¹ Government-imposed limits on religious gatherings are measured against both the Constitution and Caesar in this example from July 26, 2020:

“In the face of Gavin Newsom's unconstitutional ban on religious gatherings,

²¹ Mark 12:17 (ASV).

@johnmaccarthur and Grace Community Church are saying "no" to Caesar, holding services as Christians are instructed to do by God. We stand with

@johnmaccarthur #ReligiousFreedom.”²²

In this case, the ban on religious gatherings presents a barrier to following God’s command for Christians. The text supports the subject, Pastor John MacArthur and his congregation, as defiant worshipers, and is critical of the California governor. In this text and others, Caesar plays a metonymic role in a variety of rhetorical arguments. Caesar as a metonym for state authority has interesting implications for the intersections of religious and legal discourse, which we explore in the discussion below.

While the word clouds reveal a strong association between the Constitution and religion in the context of FFG arguments, the nature of this relationship needs to be examined further. Is the Constitution merely invoked as an *ex post facto* justification to corroborate religious authority as free from government? Or is the Constitution considered on par with religious authority in being free from government? Using our methodology, we were able to investigate this emergent question by setting up a matrix coding query to compare instances of coding for Constitution and First Amendment against coding for Religious Authority and Church within the FFG arguments. These were then compared to our structural codes for subject or example, that is, whether these four constituted the subject of FFG arguments or an example providing evidence for FFG arguments. These results are presented in Table 1. [Table 1 about here.

Caption: Table 1: Religious Authority v Constitution as Subject v Example on Freedom from Government]

²² Stanford College Republicans (@Stanford_GOP), “In the face of Gavin Newsom’s unconstitutional,” Twitter, July 26, 2020, https://twitter.com/Stanford_GOP/status/1287521595691597825

Each cell in the first two columns of the matrix displays the frequency of either the Constitution or the First Amendment being positioned as a subject or example in the structure of the FFG arguments. The next two columns display the same information about the corresponding pair, Religious Authority and Church. Though we observed in the word cloud that the Constitution was mentioned frequently in FFG arguments, we would expect that if it were used as a *post hoc* justification of religious authority, the Constitution would be positioned as an example for why religious entities are, or ought to be, free from government intervention. Instead, we find that the Constitution *itself* is cited as the subject of this rhetorical argument only slightly less frequently than the corresponding pair of items (Religious Authority and Church). The Constitution's position as a subject in the structure of FFG arguments suggests that it is viewed with nearly the same reverence as religious authority and institutions.

Several of the posts in our dataset corroborate our suspicion that the Constitution is seen not just as a secular document supporting religious freedom but as divine itself and thus free from government. Some describe the Constitution as divinely given, such as “We have a great commission and a God given constitution.”²³ (Other posts argued that the Constitution is an articulation of God-given rights, such as “American Christians who value civil liberties [...] believe that they are Godgiven [*sic*] liberties rightly recognized in the Constitution of the United States,” or that “the Constitution affirms the people’s God-given unalienable rights.”²⁴ Others argue that the Constitution is “our governing document” and those entrusted with its protection

²³ John Wilson, “We have a great commission,” Facebook, April 7, 2020, https://www.facebook.com/permalink.php?story_fbid=2934873283217550&id=100000847209187.

²⁴ Luke Lao, “American Christians who value civil liberties,” Facebook, August 15, 2020, <https://www.facebook.com/peddrlo/post/10158982436434653>; Patrick Von Dohlen, “the Constitution affirms the people’s,” Facebook, April 26, 2020, <https://www.facebook.com/groups/sanantonioyam/permalink/3126388934090455>.

(elected officials) are “in clear violation of our governing document as well as God’s Word.”²⁵

The following post from August 5, 2020 makes this argument with respect to the right to worship: “But they are permitted. The problem is that they’re not exercising their GOD given rights. Those rights are protected by the Constitution and enforced by men/women who have strong faith. If man[’]s law goes against GOD[’]S law then we must choose GOD every time.”²⁶

As other scholars have shown in different ways, the Constitution is viewed not just as a secular document that aspires to higher ideals, but as a religious document that, in the larger society, commands total devotion.²⁷ Our data set reflects a similar observation, namely that these users are not simply hoping to justify their private beliefs within the public sphere of legal discourse but that they describe a political theology that derives both law and religion from divine authority. Gordon’s insight that religiously motivated actors derive meaning outside of legal precedent is also relevant.²⁸ From analysis of specific posts, the reasons for this assertion appear clear: much like the Bible, the Constitution is either itself God-given or enshrines God-given values. This demonstrates how the sign *Constitution* can have an overarching, legitimating cultural-religious significance and at the same time be a powerful instrument to protect particular rights-bearers.

The Interaction of Religious and Legal Discourse

²⁵ Shane Idleman, “Churches Must Fight or They’ll Fade Away,” Facebook, September 28, 2020, <https://www.christianheadlines.com/columnists/shane-idleman/churches-must-fight-or-theyll-fade-away.html>.

²⁶ @OKnO, “But they are permitted. The problem is,” comment on @JaySekulow, Twitter, August 5, 2020, <https://twitter.com/JaySekulow/status/1291137405198700546>. (Account suspended; original tweet on file with authors.)

²⁷ Sanford Levinson, *Constitutional Faith* (Princeton, NJ: Princeton University Press, rev. ed. 2011); Sanford Levinson, “How I Lost My Constitutional Faith,” *Maryland Law Review* 71 (2012): 956; Jack M. Balkin, *Constitutional Redemption: Political Faith in an Unjust World* (Cambridge, MA: Harvard University Press, 2011).

²⁸ Gordon, *The Spirit of the Law: Religious Voices and the Constitution in Modern America*, 212.

Our data also revealed compelling parallels between religious and legal discourse. Applications of Caesar as a metonym for state authority illustrate this overlap. A post from May 22, 2020, asserts that Jesus provided the basis for a modern religious liberty argument, making it incumbent upon believers to pay tribute to Caesar, while staying on guard against Caesar's overreach: "And Jesus did make a religious liberty argument: Render to Caesar is not just about paying taxes, but about only giving to the state what the state is owed: authority designated by God. The state has no right to the human conscience."²⁹

Here again we see religious liberty not simply as a secular constitutional right but as divinely ordained. Caesar is a metonym (token) for state authority (the subject), which is argued to be divinely sanctioned. The association of the state with Caesar in this fashion heightens the salience of Matthew 22:21, such that the post above can argue that "Jesus did make a [modern] religious liberty argument."

Caesar is metonymic not only in the religious sphere. On July 24, a divided Supreme Court rejected a request to enjoin Nevada's restrictions on religious gatherings. In a short dissenting opinion, Justice Gorsuch argued against the constitutionality of the state's restriction of religious gatherings. The opinion ends with Gorsuch saying, "The world we inhabit today, with a pandemic upon us, poses unusual challenges. But there is no world in which the Constitution permits Nevada to favor Caesars Palace over Calvary Chapel."³⁰

The reference to the Las Vegas casino Caesars Palace—perhaps an allusion to the biblical Caesar—may have impacted the discourse we are examining. Following the decision, we saw an

²⁹ Daniel Darling (@dandarlring), "And Jesus did make a religious liberty argument," Twitter, May 22, 2020. (Tweet deleted; on file with authors.)

³⁰ *Calvary Chapel Dayton Valley v. Steve Sisolak, Governor of Nevada, et al.*, 140 S. Ct. 2603 (2020) (Gorsuch, J., dissenting).

uptick in the number of references to Caesar, this metonym for worldly government. In other words, the data shows a dramatic increase in Caesar's appearance in the two months following the decision. We see potential connections between Gorsuch's dissenting opinion and general public opinion as well. [Table 2 about here. Caption: Table 2: Frequency of "Caesar" over Time]

This apposition of Caesars Palace and Calvary Chapel tapped into a popular discourse about COVID-19 restrictions, and may have hinged on its biblical connotation. The Gospel of Matthew's "render unto Caesar" verse is widely interpreted to signify a church/state divide in which the state and church have separate spheres of influence. The church deals with spiritual matters, which should be beyond the jurisdiction of Caesar. As our reader may anticipate, this separation could just as equally suggest *prima facie* that Christians (or other people of faith) have no right to defy health regulations, a secular public health domain of the state. Thus, not all references to Matthew 22:21 are in support of defiant worship. Some offer a God-based justification for compliance with the state's policy. A comment in a thread from July 17, 2020 reads: "Render unto Caesar that which is Caesars, render unto God, the things that are Gods. In other words, you need to obey the law of the state. I don't think God would want people to put their life in jeopardy when they can go to church virtually and stay [safe]." ³¹

Our analysis thus sheds light on how this metonymic function of Caesar for state authority can operate in different rhetorical arguments. By coding Caesar as a token of the subject state authority, we were able to compare the different ways texts characterize the relationship between secular and divine authority. That this token is also used within legal discourse at the level of the Supreme Court makes the argument all the more compelling.

³¹ Donna Tirey Young, "Render unto Caesar that which is Caesar's," Facebook, July 17, 2020, comment on KCRA 3, "Rocklin church to defy California's COVID-19 restrictions," <https://www.facebook.com/KCRA3/posts/10158801869021514>

Paul the Apostle argued that Christians are obligated to obey all earthly authorities because governments were ordained by God; thus, disobedience to them is also disobedience to God. This falls along familiar fault lines in American religious history and, not surprisingly, is evident in some of the threads in our data that cite Paul's writings as evidence. The posts are divided about the mandate to obey the government. An example in which God and the First Amendment are proximate, which cites Paul's First Epistle to the Corinthians, criticized defiant worship (posted on March 30):

“Now before you jump on me saying ‘we must obey God over man’; and ‘we have our First Amendment Rights’... consider just a few things. The government has not asked that we not worship or practice our religion. They did not ask Pastor Howard-Brown to not worship the Lord or hold services. They asked us, and him, to take precautions of social distancing while doing so. And he refused to do even that... to prove our ‘liberty’ and ‘faith.’ And in doing so violated 1 Corinthians 8:9 ‘But take heed lest by any means this liberty of yours become a stumblingblock to them that are weak.’”³²

Several comments on this post agreed that a biblical lens offered no justification for defiant worship. They criticized a pastor arrested for violating COVID-19 related orders, stating that “whoever resists the authorities resists what God has appointed, and those who resist will incur judgment.”³³ Another argued that this instance of defiant worship “was not biblically based either in doctrine or in attitude.”

³² For the Least of These—Living Water Ministries (@fortheleastoftheselwm), “Now before you jump on me saying,” Facebook, March 30, 2020, <https://www.facebook.com/fortheleastoftheselwm/posts/1616710095152459>.

³³ Rom. 13:2 (ESV).

This view was challenged through versions of the whatabout counterexample. A text that supports defiant worship argued that if Christians are supposed to do “whatever the government says to do,” what about when the “government commands churches to perform gay weddings, [then] churches should do it because romans 13 commands us to?” Or, “why aren’t they [state officials] closing the abortion clinics?” (conversation on a post from March 30, 2020).³⁴ In this construction, gay weddings and abortion clinics are the whatabouts in an argument supporting defiant worship. Ambivalence about the state is readily apparent, and we can see how tokens and whatabouts are used to grapple with questions of authority. Caesar *cum* token of the state allows for the issue of state authority to be biblically relevant, while abortion clinics and gay weddings *cum* whatabouts define instances of when state authority has infringed on religious freedom.

In studying the thinking of a set of American evangelical leaders during the South African apartheid era, Melani McAlister observes that the circulation of Romans 13 across a number of settings provided an entrée into the ways that evangelical Christians have tried to understand their obligations to “the authorities that exist” in any given historical moment.³⁵ She writes, “believers of various stripes have long used Romans 13 to demand that Christians obey their government, whatever it may be.”³⁶ In our data, Romans 13 is cited more than any other

³⁴ James Satchell, “So you believe that whatever the government does,” comment on Garrett Kell, “Religious liberty must be preserved,” Facebook, March 30, 2020, <https://www.facebook.com/garrett.kell/posts/10158111383614347>

³⁵ Melani McAlister, “Established Authorities: Theology, the State, and the Apartheid Struggle,” in *At Home and Abroad: The Politics of American Religion*, ed. Winnifred Fallers Sullivan and Elizabeth Shakman Hurd (New York: Columbia University Press, 2021), 252.

³⁶ McAlister, “Established Authorities,” 253.

Bible passage—in fact, more than twice as often as the Gospel of Matthew or the epistles of 1 Peter or Hebrews, the next most frequently cited Bible passages.³⁷

We also observed correlations between changes in religious social media discourse in our dataset and legal discourse over time. Consider Table 3. [Table 3 about here. Caption: Table 3: Relative Frequency of Constitution versus General Freedom Nodes over Time] We compared the relative frequency of six nodes during the timespan of our study: (1) Constitution, (2) First Amendment, (3) Free Exercise Clause, (4) Free Speech Clause, (5) Freedom of Assembly Clause, and (6) mentions of Freedom or Liberty not explicitly associated with the Constitution. It should be reiterated that all texts in our dataset, by virtue of the search terms we used to capture them, related to issues of religious liberty during the pandemic. The aggregate results are in the heat map contained in Table 3, which represents the relative frequency of each of these nodes each month. Darker shades of green indicate low relative frequency while those closer to red indicate higher relative frequency.

During the summer months, gestures toward freedom in the generic sense (without explicit reference to the Constitution) appear more often than specific references to the Constitution. At the beginning of August, the frequency levels flip, with far more posts mentioning the First Amendment. This correlates with the date of the Supreme Court’s decision in the Nevada case, in which Calvary Church challenged the constitutionality of state-mandated church closures. The split decision rejected the church’s request for a temporary restraining order against the state’s sanction of indoor religious gatherings until the merits of the case could be adjudicated through the appellate courts. As we discussed above, Justice Gorsuch wrote a

³⁷ 1 Pet. 2:13-17; 1 Pet. 3:15; 1 Pet. 5:8; Heb. 10:25, citing the command of “not forsaking the assembling of ourselves together”

dissenting opinion, as did Justices Alito and Kavanaugh, citing the case as pertinent to issues of Free Exercise. As Table 3 shows, between July and August, the frequency of mentions of the Free Exercise Clause increased by more than 10 percent. In August and September, the frequency of First Amendment mentions remained high, while discussion of general freedom declined. For example, consider this post from July 29, 2020: “Wearing a mask would be a profession of faith I do not espouse, therefore I believe the mandate is against my freedom of religion (Amendment 1).”³⁸

Here, we have two rhetorical arguments: (1) the wearing of masks (subject) as a threat to faith (object) and (2) mandates (subject) as a threat to the First Amendment (object). Furthermore, we can consider forced wearing of masks as a token of the mandate. Through this association by way of a token, mask-wearing and state mandates are cast as the threat. Faith and the First Amendment, as objects, are put on the side of the threatened. Our analysis reveals how such discourse defines the purported boundaries of religious freedom and when they are being encroached. As in the above section, the Constitution and faith are closely tied, both considered to be the object of threats created by government mandates.

This is not to say that there are no remarkable articulations of church closings as a First Amendment issue before the July 24th Supreme Court decision. The following comes from early in the US experience of the pandemic, March 18, 2020:

“Closing churches is problematic for various reasons. For example, the People have enumerated Constitutional rights to peaceably assemble, to have freedom of speech, and to have religious freedoms. As a meme circulating succinctly states, we have no record of

³⁸ Anna E. Peric, “I don’t believe facemasks are helpful,” Facebook, July 29, 2020, <https://www.facebook.com/Anna.Elizabeth.Peric/posts/961235451014975>

the Founding Fathers, when adopting the Bill of Rights, saying to each other, ‘Ok, but none of this counts if people get sick, right?’”³⁹

In this section we see repeated instances of the law-religion interplay, both in how texts reason about legal matters as well as how that reasoning mirrors discussions happening at the level of the Supreme Court. The two are intimately linked in ways that reflect a long-standing theological concern over the relationship between the individual and the state.

The Case for Equal Treatment

The rights argument being made in the courts posits that churches and other religious institutions are being treated unfairly. They’re not being treated like other “essential” businesses but rather like non-essential enterprises. In our analysis, the whatabout counterexamples appear frequently as central to this argument. By providing contrast, whatabouts are meant to demonstrate that an action is unjustified because it is not being applied equally across similar cases. Consider again this example from August 10, 2020: “Why isn’t the constitutional right to religious freedom granted the same leniency during a pandemic that the right to protest for racial justice has? Are mass gatherings only excused when we’re protesting police brutality?”⁴⁰ This argument is structurally similar to Justice Gorsuch’s reference to casinos. Just as he asked, “What about casinos?” in contrast to church closings, the above post asks, “What about protests?” and positions protests of police brutality as a whatabout to church restrictions. In other words, why aren’t casinos and protests restricted to the same degree as churches? Take for example Table 4: [Table 4 about here. Caption: Table 4: Relative Frequency of Common Whatabouts over Time] Table 4 lists the most common whatabouts used to demonstrate a

³⁹ Ryan Beardshear, “Closing churches is problematic for various reasons,” Facebook, March 18, 2020, <https://www.facebook.com/ryan.beardshear/posts/10157363980179164>

⁴⁰ The Issues of My Time, “Why isn’t the constitutional right.”

disproportionate burden on religious liberties. When COVID-19 became a reason for restrictions in March and April, the dominant whatabout concerned abortion clinics and the disparity between church closings and those clinics' remaining open. Anti-abortion arguments circulated long before the pandemic and likely will continue after the restrictions are eased. In line with our earlier assessment, the pandemic marshals points of contention that are not just endemic to the era but draw on longstanding lines of division. In the context of the pandemic, abortion clinics continue their history of being a contentious point of comparison. For example (March 31, 2020): "The left claims women have the right to abort a child but we don't have the right to leave our homes or interact because we may get sick?" ⁴¹We also find that vendors that are allowed to stay open for business are commonly cited as whatabouts. For example (May 20, 2020): "Why can people shop at Lowe's , Walmart or Home Depot, but we are not allowed to go into a church building?" ⁴²

As Table 4 shows, by August, the frequency of comparisons between churches and casinos increased, making casinos almost one-third of all whatabout examples. This also correlates with Justice Gorsuch's dissenting opinion at the end of July that pitted Caesars Palace against Calvary Chapel. However, the counterexamples cited most frequently are the protestors and protests against police brutality. George Floyd was killed by police in Minneapolis on May 25, 2020, bringing a new wave of attention to the issue of inequality in criminal justice. Unsurprisingly, the protests that ensued became the main whatabout from June through

⁴¹ Nicholas Tutora, "I am pro-life. The left claims women," comment on Chandler Republican Women, Facebook, March 31, 2020,

<https://www.facebook.com/groups/183116025068197/permalink/2924410587605380>

⁴² Zachary Kryzysiak, "Why are they infringing on Christian," Twitter, May 19, 2020, <https://twitter.com/ZacharyKrzysiak/status/1262927181560401920>; see also Brandon (@beattiedale11), "29. Wht can people shop at Lowe's," Twitter, May 20, 2020, <https://twitter.com/beattiedale11/status/1263343955120254977>

September. Users objected to the government allowing protests but not church gatherings. For example: “I don’t think people see this double standard. All of our other rights have been severely limited by the government to prevent the spread [of COVID-19] EXCEPT the right to protest. Freedom of religion, the right to own and operate a business, and even just going to a public place have all been limited.”⁴³

The issue of protests appears particularly contentious for those in our sample concerned that the Constitution may be under threat. [Table 5 about here. Caption: Table 5: Relative Frequency of Common Whatabouts for Constitution argued as Persecuted] Table 5 illustrates the relative frequency of the same six common whatabouts but only when used for rhetorical arguments in which the Constitution is argued to be an object of persecution. Given the close association between the Constitution and religion discussed in the first section, it is notable that those who view the Constitution as threatened also view the protests as a particularly salient whatabout. We suspect that race also may be a factor in why these authors see the protests as threatening the Constitution.⁴⁴ This would be an important topic for future research. Whatabouts serve to position religious identity with other protected minorities, and through that comparison demonstrate when religious rights are not afforded equal protection.

Whatabout arguments are engaged not only in texts that applaud defiant worship. They are also used in texts that favor church closings and other restrictions during the pandemic. Take the following reaction to church closings, in response to a post from March 30, 2020: “This is

⁴³ Dave Winchester, “I don’t think people see this double standard,” Facebook, July 31, 2020, <https://www.facebook.com/david.winchester.102/posts/2820358814915610>

⁴⁴ Paul A. Djupe and Brian R. Calfano, “Religious Value Priming, Threat, and Political Tolerance,” *Political Research Quarterly* 66 (2013): 768–80; Samuel L. Perry, Andrew L. Whitehead, and Joshua B. Grubbs, “Prejudice and Pandemic in the Promised Land: How White Christian Nationalism Shapes Americans’ Racist and Xenophobic Views of COVID-19,” *Ethnic and Racial Studies* 4 (2021): 759–72.

not a first amendment issue....yet. I can see how it could be. As I said, the edict of the government is directed at all people, with no aim at religious gatherings. If they would arrest a group of 100 people for playing beer pong in the park for the same reason, it isn't persecution.”⁴⁵ Here, the whatabout concerning general gatherings—e.g., playing beer pong in a park—serves to show that church closings are not indicative of unfair treatment. Religious gatherings are being restricted just like any other gathering. They are not singled out for their religious content.

Discussion and Conclusion

Defiance of church closings during the COVID-19 pandemic provided an important ground for exploring religious freedom arguments in publicly available social media. Our semiotic model to study defiant worship has allowed us to identify three core themes that captured the phenomenon of religious freedom talk. In the first subsection on religion and the Constitution, we showed how the Constitution and religion were given equal consideration in FFG arguments by demonstrating their similar relative frequency as subjects of that rhetorical argument. In the next subsection on the interaction of religious and legal discourse, we saw how tokens and whatabouts used to draw the lines between religious and secular/legal authority are affected by court decisions and circulate in non-specialist discourses. Our discussion in the last subsection on the case for equal treatment extended this insight, showing how users define themselves through contradictions, othering those entities that they perceive have received preferential treatment that they have been unjustly denied. This is done in a way that reifies religion as an autonomous category, free from politics but intertwined with it, making demands upon modern secular sensibilities.

⁴⁵ Garrett Kell, “This is not a first amendment issue,” Facebook, March 30, 2020, <https://www.facebook.com/garrett.kell/posts/10158111383614347>

During pandemic times, preventative measures such as social distancing and closures of businesses, schools, and churches have affected the daily lives of millions of people. As people have fewer opportunities to gather in public spaces, more and more of the conversation about these phenomena occurs online on social media platforms like Facebook and Twitter. As social interactions move online, the conversation around COVID restrictions continues to expand, with growing numbers of users turning to social media for both information and social contact.⁴⁶ Church closings became a strongly politicized point of contention both online and offline, with some Americans insisting that the pandemic-related restrictions limiting religious services were not only an infringement on religious liberty but were further evidence of governmental favoritism toward secular speech, protest(er)s of racialized police brutality, abortion clinics, gambling casinos, and certain vendors.

The social media texts we analyzed argued strongly in favor of individual freedom and against governmental intervention. Critics of this position often dismissed these arguments as politically motivated or as overly selective in their choice of which biblical precepts to uphold. Yet, as Isaac Weiner argues, “it seems too easy to dismiss religious claims for their ostensible hypocrisy, selectivity, or inconsistency.”⁴⁷ This would fail to account for the ways moral as well as political claims are articulated within and in response to a national crisis. For instance, Solid Rock Church in Ohio, one of the megachurches that received considerable attention for remaining open, prominently displayed the passage from Hebrews 10:25 on their website during the pandemic: “Let us not give up the habit of meeting together, as some are doing. Instead, let

⁴⁶ Emily Chen, Kristina Lerman, and Emilio Ferrara, “Tracking Social Media Discourse about the COVID-19 Pandemic: Development of a Public Coronavirus Twitter Data Set,” *JMIR Public Health and Surveillance* 6 (2020): e19273–e19273.

⁴⁷ Weiner, “The Corporately Produced Conscience: Emergency Contraception and the Politics of Workplace Accommodations,” 61.

us encourage one another all the more, since you see that the Day of the Lord is coming nearer.”⁴⁸ As Melani McAlister has argued, the mobilization of such verses is not disingenuous; “[i]nstead, treating Bible verses as actants is designed to show the ways in which those verses exert power on believers who take them seriously, even as their meaning is shifting and negotiated.”⁴⁹ Our data indicate that this passage from Hebrews, and even more so Romans 13:1-7, appears to be a pivot in the emergent “hybrid” world of online and offline worship and social interaction, and would be important to follow.

We have offered a close semiotic analysis of social media that can be used to explore important theoretical questions about the nexus of religion and politics, changing worldviews, and individual and collective religio-legal consciousness. Constitutional scholars have long contributed to our scholarly understanding of these questions about how people read and interpret the Constitution. Sanford Levinson is particularly instructive about the curious propensity of the American public to use religious language to describe one’s relationship to the Constitution.⁵⁰ Our study corroborates this point. An important consideration for future research would be to explore the extent to which this textual devotion is connected to the social and institutional dynamics of race. The COVID-19 pandemic overlapped with widespread protests against anti-Blackness and a contentious presidential election in the United States. All of these debacles (and more) were connected to religion and politics in complicated ways that sustained existing social relations causing differential impacts on race, ethnicity, class, and gender.⁵¹

⁴⁸ Heb. 10:25, cited in Djupe and Burge, “The Prosperity Gospel of Coronavirus Response,” 556.

⁴⁹ McAlister, “Established Authorities: Theology, the State, and the Apartheid Struggle,” 267.

⁵⁰ See Levinson, *Constitutional Faith*; Levinson, “How I Lost My Constitutional Faith.”

⁵¹ Hannah Smothers, Ryan Burge, and Paul Djupe, “The Gendered Religious Response to State Action on the Coronavirus Pandemic,” *Politics & Gender* 16 (2020): 1063–74; Amanuel Elias

This study's limitations rest in its qualitative approach, which focused on rhetorical argument structure. By focusing on discourse, we were able to see trends across an interactive media within a short, intensive period of months. Discourse analysis, however, relies on the qualitative interpretation of the data. Interpretation is inevitably influenced by the researchers' bias and potential projections onto the data. Co-authorship was helpful in attenuating the effect of these biases, but they cannot be extricated completely.

Another limitation is the non-representative nature of our dataset. Twitter and Facebook have long been used by social media researchers as a means to understand the dynamics observable in online social networks; a few existing studies highlight the role social media plays in global health crises. The volume of social media data is an invaluable resource for quantitative analysis of trending keywords and publicly available data.⁵² Many social and political issues are represented and debated in social media, where texts are less static than traditional media forms, look very different, and are generated and received in vastly different ways. This study has been both a preliminary investigation of a small-n, non-representative collection of texts and a close reading of those texts. Researchers might consider using a multi-modal approach in order to develop and adapt methods to account for the ways in which social media seemingly offer the possibility for expression of competing viewpoints, while at the same time, the sharing of these occurs in niche groups. The social media environment may be a site for civic debate, but it is also a platform that is fundamentally organized with patterns of consumption in mind.⁵³

et al., "Racism and Nationalism during and beyond the COVID-19 Pandemic," *Ethnic and Racial Studies* 44 (2021): 783–93.

⁵² See, for example, Chen, Lerman, and Ferrara, "Tracking Social Media Discourse about the COVID-19 Pandemic: Development of a Public Coronavirus Twitter Data Set."

⁵³ Bouvier and Machin, "Critical Discourse Analysis and the Challenges and Opportunities of Social Media," 182.

Finally, an issue that needs further exploration is how this crisis moment potentially influences the framing of rights discourse in “ordinary time” within the broader context of what we call lay constitutionalism. In social media content, we found that rights serve as a non-negotiable limitation on the power of government, prerogatives that lie beyond the scope of any human authority. Rights discourse represents an important rhetorical strategy utilized by different groups throughout the twentieth century. In this century, we have witnessed Christian conservatives increasingly adopt a rights discourse to frame their arguments on a wide variety of issues with publicly accessible reasons that seem to their interlocutors to be less extreme than the language of morality.⁵⁴ In our own future research, we will continue to explore how religious and secular authority are mutually constitutive and sustained through an iterative process of reading and interpretation by the non-specialist “laity” in both religious and legal spheres. We will focus on lay constitutionalism—by which we mean the laical rights frame and constitutional knowledge produced in online and offline environments, as opposed to the legal doctrines as understood by lawyers, judges, and constitutional scholars. We expect the modest insights gleaned from this preliminary study of rights discourses in networked online spaces will inform and shape our work as we continue to investigate how people take on ideologies of governance that run through even the most mundane areas of life and society.

Word Cloud 1.

⁵⁴ Bennett, *Defending Faith: The Politics of the Christian Conservative Legal Movement*; Djupe et al., “Rights Talk: The Opinion Dynamics of Rights Framing: Rights Talk”; McIvor, *Representing God: Christian Legal Activism in Contemporary England*.



Word Cloud 1: Word Frequency for Argued as “Freedom from Government”

Word Cloud 1(a).

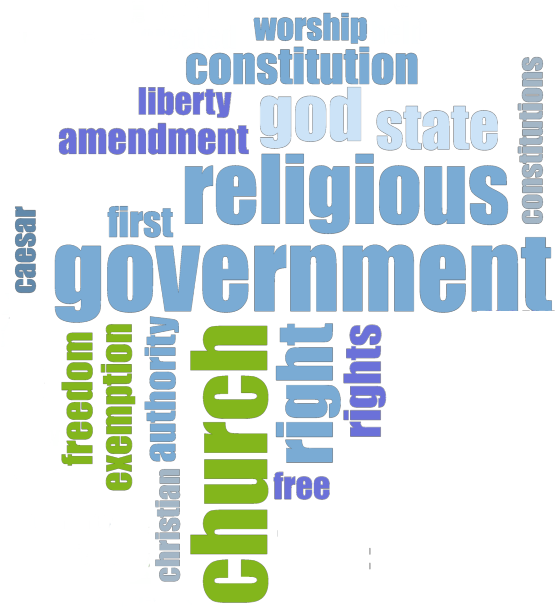


Table 1.

	Constitution	First Amendment	Religious Authority	Church
Subject	57%	47%	62%	64%
Example	43%	53%	38%	36%

Table 1: Religious Authority v Constitution as Subject v Example on Freedom from Religion

Table 2.

	March	April	May	June	July	August	September
Instances of "Caesar"	0%	6%	0%	0%	6%	24%	64%

Table 2: Frequency of “Caesar” over Time

Table 3.

Codes	March	April	May	June	July	August	September	Total
○ Constitution	15.91%	40.3%	20.45%	11.63%	11.43%	19.35%	26.67%	20.97%
○ First Amendment	26.14%	14.93%	18.18%	18.6%	20%	29.03%	26.67%	22.35%
○ Establishment Clause	0%	0%	0%	0%	0%	0%	0%	0%
○ Free Exercise Clause	9.09%	5.97%	11.36%	6.98%	5.71%	16.13%	16.67%	10.14%
○ Free Speech Clause	4.55%	2.99%	0%	2.33%	2.86%	1.61%	0%	2.3%
○ Freedom of Assembly	17.05%	5.97%	2.27%	0%	2.86%	3.23%	13.33%	7.37%
○ Freedom (as a...t or Constitution)	27.27%	29.85%	47.73%	60.47%	57.14%	30.65%	16.67%	36.87%
Total	100%	100%	100%	100%	100%	100%	100%	100%

Table 3: Relative Frequency of Constitution versus General Freedom Nodes over Time

Table 4.

Codes	March	April	May	June	July	August	September	Total
<input type="radio"/> Constitution	15.91%	40.3%	20.45%	11.63%	11.43%	19.35%	26.67%	20.97%
<input type="radio"/> First Amendment	26.14%	14.93%	18.18%	18.6%	20%	29.03%	26.67%	22.35%
<input type="radio"/> Free Exercise Clause	9.09%	5.97%	11.36%	6.98%	5.71%	16.13%	16.67%	10.14%
<input type="radio"/> Free Speech Clause	4.55%	2.99%	0%	2.33%	2.86%	1.61%	0%	2.3%
<input type="radio"/> Freedom of Assembly	17.05%	5.97%	2.27%	0%	2.86%	3.23%	13.33%	7.37%
<input type="radio"/> Freedom (as a...t or Constitution)	27.27%	29.85%	47.73%	60.47%	57.14%	30.65%	16.67%	36.87%
Total	100%	100%	100%	100%	100%	100%	100%	100%

Table 4: Relative Frequency of Common Whatabouts over Time

Table 5.

Abortion	4%
Casinos	29%
Protests	43%
Vendors	21%
Liquor stores	4%
Marijuana dispensaries	0%