



OPINIONS

Polite Persecution

by Daniel Philpott

No American has suffered the fate of Helen Berhane, the Eritrean gospel singer whose evangelizing earned her two years in a shipping container in the middle of a hot desert. But in the last decades American Christians, like Christians across the West, have faced a rising trend of what Pope Francis has termed “polite persecution.” As the pope explains, “if you don’t like this, you will be punished: you’ll lose your job and many things or you’ll be set aside.” At the hands of bureaucrats, bosses, and judges, Christian merchants, universities, schools, hospitals, charities, campus fellowships, students, public officials, employees, and citizens have been fired, fired, shut down, threatened with a loss of accreditation, and evicted for living

out traditional convictions about marriage and sexuality.

How ought Christians to respond? A twofold lesson arises from Christians who have faced persecution over the centuries. The first is an injunction to avoid cooperation with sin; the second is an obligation, overlooked all too often during an era of relative freedom, to bear witness. Christians are to manifest a love that communicates the truth about friendship with Christ through language and life. In the face of polite persecution, this witness is unlikely to beget martyrdom but may well incur costs. And the history of Christianity shows that when those costs are accepted, witness is brightened and amplified.

Barronelle Stutzman, a florist at Arlene’s Flowers in the state of Washington, shows the way. A devout Baptist, Stutzman sold flowers

to Robert Ingersoll, a gay man whom she counted as a friend, over a period of nine years. After Washington legalized same-sex marriage in 2012, Ingersoll and his partner, Curt Freed, decided to declare themselves married and to celebrate it through a wedding. When Ingersoll asked Stutzman to provide the flowers for the wedding, she sorrowfully informed him that she could not. He didn’t just leave her store and take his business elsewhere, but rather filed a discrimination suit with representation by the American Civil Liberties Union (ACLU). The attorney general of the state of Washington followed with a suit of his own.

Both the ACLU and the state offered settlements to Stutzman. The state proposed allowing her to pay a fine of \$2,000 as long as she agreed to provide services for same-sex couples in the future. Stutzman refused, explaining that her freedom to live her faith would be compromised. Although she did not use the technical language of moral theology, she refused to cooperate formally with sin—that is, intentionally to further the wrongful act of another person. At a wedding, the purpose of flowers, like cakes and official photographs, is to magnify, memorialize,

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and celebrate the union being established. This union Stutzman could not endorse. In declaring themselves married, the two men would espouse a falsehood and announce their availability for sexual acts that mimic but distort those intrinsic to marriage. The state made no accommodation for Stutzman's conscience, however, leaving her subject to ruin for her continued witness to her faith. In early 2015, the Benton County Superior Court ruled against her, forcing her to supply services for gay weddings. She then appealed her case to the Washington Supreme Court, which ruled 9-0 against her in February 2017.

When new legal obligations come into conflict with Christian faithfulness, as is increasingly common in our legal culture, Christians can sometimes find ways to avoid formal cooperation and keep their organizations afloat. In 1997, Cardinal William Levada of San Francisco was faced with a city ordinance requiring his diocese to extend spousal benefits to "domestic partnerships," which explicitly included same-sex couples. He negotiated a deal with City Hall allowing the diocese to award benefits to a "legally domiciled" housemate of an employee. The housemate could be a same-sex partner but also a blood relative or a friend; the new policy didn't specify. Thus, the diocese would not have to support a same-sex partnership or recognize it as a marriage, thereby avoiding formal cooperation with sin.

The openings for such stratagems, though, may narrow. The Trump administration is unlikely to be aggressive, as was the Obama administration, but in some jurisdictions the pressures to endorse the latest stages of the sexual revolution will intensify. In today's atmosphere of polite persecution, some Christians will need to make difficult prudential decisions about how to

sustain their organizations while remaining faithful.

Let us not forget the second lesson, though, the imperative of witness. The mission of Christian universities, high schools, hospitals, and homeless shelters is to provide education, health, and meals, but they do so as part of their larger mission to manifest Christ. When a Christian organization appears to endorse same-sex unions, even in ways that avoid formal cooperation, the world views it as proclaiming, at least tacitly, that it does not believe that marriage is between man and woman or that sex is reserved for marriage. If Christians compromise on this teaching—which every Christian church held to be essential until 11:58 on the clock of history—the world will ask what other beliefs they will muffle when under duress.

Stutzman understood witness. She wrote in a letter to the *Seattle Times*: "Rob was asking me to choose between my affection for him and my commitment to Christ. As deeply fond as I am of Rob, my relationship with Jesus is everything to me." Her deeds matched her expression of faith.

Unlike Stutzman, most of us will not be forced directly into the dilemma of complying with sin or suffering immediate material loss. We are citizens, employees, and members of organizations. We have the option of being a bystander—silent, comfortable, free from tough calls, safe from polite persecution. But can we remain a bystander and remain faithful?

The Czech dissident Vaclav Havel analyzed the moral peril of life as a bystander. In his *samizdat* essay of 1978, "The Power of the Powerless," Havel argued that the Communist regime in Czechoslovakia exerted power not just through brute force but even more pervasively through lies that were reinforced by citizens who did not believe the lies but nevertheless went along with them. These are the bystanders. Their conformity

serves to "confirm the system, fulfill the system, make the system." In their silent complicity, these bystanders "are the system."

Havel offers the figure of the greengrocer who inserts a small printed message, received along with the produce, in his window next to his tomatoes: "Workers of the World Unite." He displays the message out of conformity and to avoid punishment. Thousands of these messages are pasted on walls and placed in windows throughout the country.

Then, Havel describes a worker at a brewery whose management is dysfunctional. One day, the brewer writes a letter to his superior explaining the problems and naming the people causing them. Predictably, he is transferred to a menial job and suffers hardships. The brewer is an ordinary person, not a great dissident. But his decision to live in truth punctures the lies and undermines the regime. "When a single person breaks the rules of the game," Havel writes, "thus exposing it as a game, everything suddenly appears in another light and the whole crust seems then to be made of a tissue on the point of tearing and disintegrating uncontrollably."

The United States is not Communist Czechoslovakia, but in recent years has become decidedly less free. There is a soft tyranny that requires affirmation of the latest sexual orthodoxies. While Trump's election may provide some relief from pressures exerted by the executive branch in the immediate term, and perhaps from the judicial branch in the longer term, it is unlikely to change the cultural atmosphere. Havel is right about how this coercion operates. The bystander's small acts of tacit assent uphold tyranny. When Christians remain silent as their fellow citizens, colleagues, friends, and students are persecuted, when they conform to the ways of the new cultural regime, they act like greengrocers. When we speak up,

when we take the signs out of our shop windows, we live in truth.

To Havel's teaching, Christians will add that truth is to be spoken in love and complemented by mercy, the virtue that Pope Francis has given pride of place. In an interview with the

Christian Science Monitor, Stutzman said, "I would love to see Rob again. I would love to just hug him and say I'm sorry if there is anything he's going through that is hurting him." Stutzman joined love, compassion, and friendship to her refusal to

cooperate with sin and her determination to give voice to the truth about marriage. Her fate is still uncertain, but her Christian witness is sure: a truth that punctures the tyranny of lies and is tethered to a mercy that wills to restore all things. **✠**

Duke Ellington's Faith

by Ted Gioia

I'm told that two different TV series are in development about jazz and prostitution in New Orleans. That kind of combination is irresistible to the entertainment industry. After all, sex sells, and jazz is the obvious soundtrack for the sinful lifestyle. Put the two together and you have the makings of a hit show.

Some will even tell you that jazz is inseparable from transgressions, both moral and legal. According to this account, the music was born in the brothels of New Orleans, came of age in the illegal speakeasies of Chicago in the 1920s, and reached maturity nurtured by organized crime in Harlem, Kansas City, and other corrupt communities in the 1930s. Religious authorities have often given credence to this interpretation, condemning jazz as a gateway to a dissolute life. Many Catholics even saw Pope Pius X's attack on instruments "that may give reasonable cause for disgust or scandal" as a specific warning against the evils of the saxophone.

I prefer a different view of jazz history—one that emphasizes its origins in spirituals and religious services. This lineage is just as valid as the TV

show version, and certainly deserves to be better known. Buddy Bolden, credited (by legend) as the originator of jazz, was a regular churchgoer. According to one friend, "That's where he got his idea of jazz music." Louis Armstrong, baptized a Catholic but ecumenical in religious matters, also turned to spirituals for inspiration. He single-handedly transformed "When the Saints Go Marching In" from Christian hymn to the very emblem of the jazz life. The other founding father of jazz, Jelly Roll Morton, is famous for inventing the whole mythos of jazz and prostitution, but was also a "very devout Catholic," according to his longtime companion Anita Gonzales. His burial marker excludes all musical imagery, instead featuring an elaborate rosary with all fifty-nine beads clearly demarcated.

Then we arrive at the greatest jazz composer of them all, Duke Ellington—a man who seemed, to his fans, as secular as they come. He rose to fame as bandleader at Harlem's Cotton Club, run by gangster Owney Madden, where well-heeled white patrons would go "slumming" and enjoy (in the words of a Harold Arlen song that made its debut at the club):

drums that'll start thump-thump-thumpin' in my heart . . .
horns that'll blow-blow-blow-blow the blues apart . . .
thrills that'll break the Ten Commandments with a wham!

Ellington himself was not unfamiliar with many of those thrills. He avoided the scourge of hard drugs that left so many other jazz artists incarcerated or dead before their prime, but his extramarital affairs were the stuff of legend. Five musicians in the Ellington band married women who had previously enjoyed flings with their boss. Different mistresses fought over him, even up to his final days. One used to phone me sporadically, anxious to have a friendly ear for her stories about the "real" Duke.

Yet there was another side of Duke Ellington, pious and even prim. "I'd be afraid to sit in a house with people who don't believe," he once remarked. "Afraid the house would fall down." Ellington's biographer Terry Teachout tells us that the bandleader engaged in "daily Bible study and private prayer in hotel and dressing rooms." Ellington's son, Mercer, has noted that his father was "so religious . . . anything that

Ted Gioia is author of several books, most recently How to Listen to Jazz.

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