

EQUALITY OR RELIGIOUS FREEDOM? THE INDIANA RFRA. SOME MEDIA REPRESENTATIONS

Ramona HOSU

Ramona HOSU

Associate Professor, Faculty of Sciences and Letters,
Petru Maior University, Târgu-Mureș, Romania
Tel.: 0040-265-262.275
E-mail: ramonahosu@yahoo.com

Abstract

The paper intends to debate on several media representations of some current social and cultural identities in the USA starting from the controversy that the Indiana *Religious Freedom Restoration Act* has recently generated. It is to establish the grounding of public opinion regarding the way in which American legislation understands to solve competing constitutional rights while attracting several important actors in the network of disputes over values like equality, freedom, pluralism, justice, democracy. It also comments on individual and community identity construction seen as an ongoing process of negotiation and mobilization of dichotomist beliefs and practices.

Keywords: law, justice, identity politics, cultural pluralism, equality, freedom, media representations, the Indiana Religious Freedom Restoration Act.



1. Introduction

We are at the end and the beginning of a challenging process of delineation of concepts like human rights, freedom, center, marginal, diversity, unity, tolerance, alterity and so on, along with the social and cultural phenomena that they circumscribe. This because, after some considerable years of manifestation of the modernist tenets of freedom, equality, progress and the supremacy of reason in the social and cultural foreground of the Western world, followed by their postmodernist reconsiderations by means of deconstruction, relativization, uncertainty and ambiguity, the 'world' seems not to have come to engage the whole facets of the problems. Or, if one is to believe in the negativistic definitions of postmodernism, according to which we are now at the end of 'the grand narratives'/ 'metanarratives' of truth, reason, science, progress (as Lyotard calls them), there is nothing to delineate in these concepts because they are just some ideals with no correspondent in the human condition. Hence, with Deconstructivism and Poststructuralism, such values are arbitrary because of the multitude of signifiers that identify infinite meanings in them; human experience is diverse, states Lyotard, and it is precisely this diversity that reformulates and re-legitimizes the variations of the above mentioned principles. This is why they are said to be fabricated, to have no equivalent in 'reality', and what is to 'blame' is today's understanding of representation. Here is what Baudrillard states on the matter: '[...] the whole system becomes imponderable, it is no longer anything but a gigantic simulacrum [...] Representation stems from the principle of the equivalence of the sign and of the real (even if this equivalence is utopian, it is a fundamental axiom). Simulation, on the contrary, stems from the utopia of the principle of equivalence, from the radical negation of the sign as value, from the sign as the reversion and death sentence of every reference. Whereas representation tries to absorb simulation by interpreting it as false representation, simulation envelops the entire edifice of representation, turning it into simulacrum' (Baudrillard, 2008b, p. 8).

Consequently, affirms the French sociologist in *Simulacra* and *Simulation* (2008a, pp. 41-42), '[f]or me there is no truth of America [...] America is neither a dream nor reality; it is hyperreality. It is so because it is a utopia that has lived as fulfilled from the very beginning. Here everything is real, pragmatic and everything makes you dream'. How should then one read democracy today, or, to be more specific, Tocqueville's *Democracy in America*?

2. Difference, individual/ community, identity politics, cultural pluralism

Humans, as social and cultural constructs, are devoid of individual selves and values, they are the products of contextualization, assumes the anti-humanist, anti-Enlightenment Postmodern theory. Furthermore, today, 'one's identity, value, and civil rights are accidents of cultural origin, not some property intrinsic to human nature' (Leffel, 2015). The center collapsed and margins are diffused; 'old' identities vanish and new ones emerge; alterity, difference, multiculturalism, pluralism become

topical; nations and nationhood are redesigned... All in all, identity has become 'the touchstone of the times', in Richard Jenkins' consideration of the issue (1996, p. 8). 'A new politics of identity' results from rapid change, which induces a sense of ontological insecurity (in Anthony Giddens' understanding of the term) (Jenkins, 1996, p. 7).

Identity is paradoxical, for 'Je est un autre', with Rimbaud, i.e. identity is dialectical, an ongoing process of preservation and change, of alternations of sameness and uniformity with difference and uniqueness. In other words, I is/becomes the Other since identity construction is possible only in dialogue with the Other. As P. Blanchet and M. Francard explain the term, the identity of an individual equals the plurality of belongings or rather of 'feelings of kinship' that imply recognition in between I and the Other (2005, pp. 330-331); self-image or self-consciousness is molded in the dialogue with alterity, requiring and negotiating the recognition of (the same) values and worldview; this is the fundament of individual and social identity construction and it is from here that convergence or divergence results.

Postmodernity registers an outburst of (re)negotiations of multiple identities (individual, group and even national identities) due to accelerated intercultural communication. Today, '[w]e still lack a true culture of diversity', affirms Guy Jucquois and he explains: 'Thus, the building of a multiethnic and multiracial society becomes an urgent goal everywhere in the world. The major difficulty of such a process resides in the necessary change of mentality that it entails [...] there is no democracy without pluralism, which is the political expression of diversity. And yet, there is no mentioning of any of the solutions that must be implemented in order to facilitate the political participation of all the interested parties' (Jucquois, 2005, p. 220) (emphasis added). Moreover, the question is if there is a limit in recognizing cultural differences in a multi- or pluri-cultural democratic society and if individualism has a say in this matter. The problematic is three-fold: democracy, multi-/ pluri-culturalism and individualism – translated in democracy, equality, freedom.

Democracy is a form of government in which 'people rule', or a political community in which there is some form of political equality among the people (Held, 2006, p. 1). To complicate matters: what precisely is the meaning of people and of rule? For Alexis de Tocqueville, the answer is simple and pointed: 'At the present day the principle of the sovereignty of the people has acquired in the United States all the practical development that the imagination can conceive'; 'The nation participates in the making of its laws by the choice of its legislators, and in the execution of them by the choice of the agents of the executive government; it may almost be said to govern itself [...] The people [...] are the cause and the aim of all things; everything comes from them, and everything is absorbed in them'; 'It is possible to imagine an extremepoint at which freedom and equality would meet and blend. Let us suppose that all the people take part in the government, and that each one of them has an equal right to take part in it. As no one is different from his fellows, none can exercise a tyrannical power; men will be perfectly free because that are all entirely equal;

and they will all be perfectly equal because that are entirely free. To this ideal state democratic nations tend' (Tocqueville, 1998, pp. 32-33; p. 201). In Tocqueville's belief, democratic nations 'show a more ardent and enduring love of equality than of liberty'.

To entangle issues even more, there have been numerous debates on the dichotomy liberty – equality. Do the two exclude each other or are they interdependent, as Tocqueville assumed? The manifestation of individual freedom (in the liberal understanding of individual autonomy) often comes against egalitarianism, which entails the sharing of common tenets and which, correspondingly, prioritizes group values over individual ones. The dilemma here comes from the current definition of social justice understood as the virtual reconciliation of the sense and need of belonging to a community, the common good (and this encompasses equal values, equal rights and equal status), with self-determination and individual liberty, according to Alain Policar (2005, p. 248). 'The community or the individual?', that is the question! There is no such question for Joseph Raz who understands that 'personal autonomy depends on the persistence of collective goods', which is why 'the notion of the inherent general conflict between individual freedom and the needs of others are illusory' (Raz, 1986, p. 250). Raz argues that an individual's freedom (personal autonomy) might be in conflict with the interests of the others but it also 'depends on those interests and can be obtained through collective goods which do not benefit anyone unless they benefit everyone' (p. 250).

Multiculturalism and cultural pluralism, as phenomena, have redesigned the debates on the above-mentioned dichotomy. A. Policar distinguishes two directions in the institutionalization of multiculturalism in the USA; on the one hand, there is the affirmative action policy, focusing on social equality; within it, positive discrimination is meant to restate equality; this means that a moral issue is at the origin of public action; on the other hand, there is what Charles Taylor calls the politics of recognition, i.e. the recognition of difference as the basis of human dignity; such identity politics implies the political acceptance of rights and privileges granted by the specificity of the group; this results in social visibility and access to the public space (Policar, 2005, pp. 450-451). In Taylor's terms, multiculturalism is built on the principles of the politics of equal respect, respect for difference and uniqueness: 'Just as all must have equal civil rights, and equal voting rights, regardless of race or culture, so all should enjoy the presumption that their culture has value' (Taylor, 1994, p. 68). As mentioned before, recognition implies multiple negotiations of affinities and oppositions among identities (individual and/or group ones) in the context of intercultural relations and these construct a 'new reality' carrying the imprints of the 'new identity' (Blanchet and Francard, 2005, p. 335). In addition, where in the process of negotiation, forces/ groups are balanced and 'exercise a limited measure of democratic control through their access to the major elites', in which no group 'wields dominant power' (Swingewood, 1994, p. 114), we speak about cultural pluralism. This comprises, in Monique Deveaux's definition (*Cultural Pluralism and Dilemmas of Justice*), six components: (1) 'the importance and value to individuals of cultural identity and

of membership in a respected cultural community'; (2) 'liberal democratic states [...] have reasons to value, and to protect, cultural diversity within their boundaries'; (3) 'respect and justice for cultural minorities includes their right to challenge and to help shape the public and political culture of the society in which they live'; (4) 'liberal democratic states cannot (justly) define which differences they have reason to recognize politically without first deliberating with those involved'; (5) 'a satisfactory defense of the importance of certain group cultural rights and limited forms of community autonomy and of the need for allocation of state resources to support such special arrangements'; (6) 'an adequate account of where to draw the "limits of tolerance" and how we are to decide which cultural practices democratic polities cannot protect or accept' (Deveaux, 2000, p. 35). Such a definition bonds cultural pluralism, identity politics and the law, which is the subject that Austin Sarat and Thomas R. Kearns focus on in their endeavor to prove that today's democracies need 'a form of citizenship that recognizes difference but nonetheless claims equality' (2004, p. 3). Cultural pluralism and identity politics are 'integral parts of something called American culture', state Sarat and Kearns, 'a hybrid nation' in which 'individual and cultural difference, as well as the conflicts and disputes they generate, has been a part of the cultural life of Americans since the nation's founding' (p. 8); the question to ask is if the Law can foster a society in which 'cultural pluralism and identity politics could flourish', and Sarat and Kearns say this is not possible because ' [l]aw, in theory, knows no culture and recognizes no identity', since it is, presumably, neutral (p. 11, p. 13). If, as Tzvetan Todorov assumes, 'difference is corrupted into inequality, equality into identity' (1999, p. 146), how can the Law contribute to a better enforcement of democratic norms meant to enable social justice and to protect freedom and equality in a pluralist society?

3. Social justice, equality, religious freedom, the law

It is especially today that the problem of social justice and social rights encompasses the problem of individualism and difference in terms of identity construction and recognition. One of the most famous considerations on social justice comes from Friedrich Hayek. For him, social justice (the principle of equality included) is a mirage and it does nothing else but destroys individual freedom. Hayek's equation (one of them) is simple: 'From the fact that people are very different it follows that, if we treat them equally, the result must be inequality in their actual position, and that the only way to place them in an equal position would be to treat them differently. Equality before the law and material equality are therefore not only different but are in conflict with each other; and we can achieve either one or the other, but not both at the same time' (Hayek, 2006, pp. 76-77). John Rawls, on the contrary, demonstrates that justice comprises both liberty and equality, the latter implying equality of opportunity and the principle difference; there are two tenets of justice in his view: (1) '[e]ach person has the same indefensible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all'; and (2) '[s]ocial

and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society' (Rawls, 2001, pp. 42-43). In defining social justice, David Miller particularizes liberty and equality, in his design of a pluralist theory; thus, social justice should not only guide politicians but it should also constrain everyday behavior, which means that social justice and individual liberty are 'at odds with each other' (Miller, 1999, p. 13). There are two conceptions of social justice that affect one's understanding of liberty, says Miller: (1) the basic rights of citizens include rights to liberties (such as the freedom of speech, for instance); (2) lack of resources could constrain freedom (only law counts as constraint or lack of material means also counts here). Consequently, states Miller, 'an obstacle to someone's action counts as a constraint on their freedom if and only if another agent (or set of agents) is responsible for the existence of that obstacle', and here responsible means morally responsible; eventually, concludes Miller, what counts as liberty depends on the very definition of justice (p. 14). As previously mentioned, Joseph Raz's understanding of freedom in relation to justice and rights clarifies the dichotomy. The autonomous individual and his/ her freedom depend on his/ her integration into a community where collective goods are shared; rights should not articulate fundamental moral or political principles or protect individualistic personal interests but they should rather 'maintain and protect the fundamental moral and political culture of a community through specific institutional arrangements or political conventions' (Raz, 1988, p. 245). Religious freedom is among those rights that call for a discrimination between individual conscience and communal peace, says Raz (p. 251); in his point of view, since religion is a social institution that embraces a community, 'the right to free religious worship' is not only 'a right of communities to pursue their style of life and aspects of it' but also 'a right of individuals to belong to respected communities'; in other words, explains Joseph Raz, even if religious freedom was conceived of in 'terms of the interests of individuals', it actually depended on the existence of a public good, namely: 'the existence of religious communities within which people pursued the freedom that the right guaranteed them' (p. 251) (emphasis added).

The dichotomist perspective is, nevertheless, still active when it comes to cultural pluralism (in terms of religion, race, ethnicity, gender etc.) and identity politics, and the way in which institutions facilitate the recognition of distinctiveness (thus, of autonomy), and at the same time ensure equality. Among them, law (legal policy and doctrine) is expected to respond to such challenges. In the opinion of A. Sarat and T. Kearns, there are two aspects to consider here: (1) the way in which law understands the antidiscrimination principle, and (2) how particular groups could seek exemptions from the reach of state regulations in order to preserve an element of their culture, thus of their identity (2004, p. 11). Sarat and Kearns even formulate an ultimate recommendation: '[t]he demands of cultural preservation or cultural expression [religious freedom included] have to give way to the uniform obligations

of citizens before the law' (p. 11). In a more pessimistic tone, Winnifred Fallers Sullivan demonstrates that religious freedom is impossible. She explains in the Introduction to her book (*The Impossibility of Religious Freedom*, 2005) that there are 'many laws, constitutions, and international treaties today' that 'grant legally enforceable rights to those whose religious freedom is infringed' but there have been many 'stories of conflict between the demands of religion and the demands of law' (p.1). Sullivan goes on to say that '[n]owhere, as Americans understand it, is religion so strong and so free', not even in Europe. Nevertheless, despite the fact that 'a commitment to religious freedom is a taken-for-granted part of modern political identity in much of the world', and that religious freedom is one of the fundamental rights of a free democratic society, it seems religious freedom is impossible to realize even in the United States. The impossibility that she speaks about derives precisely from particular matters, local tales of dispute that are 'arguably of wider significance' (Sullivan, 2005, pp. 1-2). These conflicts, in the line of the present paper, are reformulations of the dilemma freedom vs. equality, individual vs. community, minority vs. majority. Is this the situation with the *Indiana Religious Freedom Restoration Act*? RFRA is actually brought forward by Sullivan as one of the arguments in her approach. 'Most laws affecting religion are', she says, 'state laws governed by state constitutions, state constitutions that have also guaranteed freedom of religion' (p. 25).

Religious freedom is a right constitutionally provided by *Amendment I*: 'Freedom of opinion' (1791). Religion, Speech, Press, Assembly, Petition. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof' (*apud* Bragdon and McCutchen, 1964, p. 132). *Amendment XIV* grants the equal protection of the laws, therefore religious civil rights as well: 'All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws' (*apud* Bragdon and McCutchen, 1964, p. 138). In addition, the *Declaration of Independence* sees men as 'created equal', having 'certain unalienable Rights' (life, liberty, and the pursuit of happiness) and: 'to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed' (*apud* Bragdon and McCutchen, 1964, p. 734). Is it possible or necessary to separate religion and the state, consequently? Moreover, should government involvement in religious matters be limited? Alexis de Tocqueville identifies a paradox in this: on the one hand, religion and politics should not interrelate ('[i]n proportion as a nation assumes a democratic condition of society and as communities display democratic propensities, it becomes more and more dangerous to connect religion with political institutions; for the time is coming when authority will be bandied from hand to hand, when political theories will succeed one another, and when men, laws, and constitutions will disappear or be modified from day to day, and this not for a season

only, but unceasingly'); on the other hand, religious practices regulate community customs and, accordingly, it administers the state ('[i]n the United States religion exercises but little influence upon the laws and upon the details of public opinion; but it directs the customs of the community, and, by regulating domestic life, it regulates the state') (Tocqueville, 2015).

4. Research questions and method

The present paper tries to answer two questions: (1) since law is meant to regulate contemporary social realities (in matters of identity politics and cultural pluralism), how does American legislation encompass representations of individual/ community identity?; (2) how does the media reflect and construct such social representations?

By means of a qualitative content analysis, in a descriptive and exploratory approach, the intention is to delineate the grounding of public opinion regarding the recent Indiana law on the restoration of religious freedom starting from articles written in response to the network of issues that the matter involved, all published in *The New York Times*. Moreover, it is to identify some representations of equality, freedom, pluralism, difference, democracy as resulting from the complex perspectives and meanings that the media (*The New York Times'* articles) generated on RFRA, which could have followed or directed the course of interpretations.

The search engine of *The New York Times* website generated 137 articles on the topic 'Indiana religious freedom' between May 2014 and April 2015. For the present paper, 20 articles were selected on the criteria of topicality and relevance to the matter. To see the gradual development of the formation of representations, the articles have been sorted chronologically. The first set of articles consists in news informing on the events preceding the enactment of RFRA. The content analysis in this case is focused on the contextualization of the phenomena, which eventually generates some frames. The second set of articles consists in columns that opine and argue on supporting or opposing the Indiana RFRA, providing a subjective perspective on the dichotomy, more or less under the influence of the media frames.

5. The Indiana Religious Freedom Restoration Act

The 1993 *Religious Freedom Restoration Act* was meant to regulate government involvement in religious issues, namely to ensure that religious freedom is protected. Gregory C. Sisk explains in *Litigation with the Federal Government* (2006) that the law was formulated in response to a decision of the Supreme Court that 'narrowly interpreted religious freedom rights under the Constitution', namely under Amendment I and XIV; this is why it 'has occasioned constitutional controversy from its inception' (p. 213). *Religion and the Law: An Encyclopedia of Personal Belief and Public Policy* (2007) details the origin and implications of the regulation. It was meant to overturn the *Employment Division v. Smith* case; two Native Americans used peyote in a religious ceremony and they were fired after testing positive for mescaline; further on, they were refused unemployment benefits on this ground;

peyote had been banned in Oregon. The case held that a state 'could outlaw peyote use without violating the First Amendment's freedom of religion' (Merriman, 2007, p. 431); in other words, religious practices are protected through the Free Exercise Clause of Amendment I on condition that they do not contradict a generally applicable law; this resulted in outrage and some consistent criticism of the idea that states could pass laws that limited religious freedom. Consequently, with RFRA, the Congress wanted to reverse Smith and to restore the possibility of legal exemptions for religious matters; the core dispute revolved around the idea that the state had to prove a 'compelling government interest' if a law substantially burdened the religion. RFRA declares: 'Government shall not substantially burden a person's free exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b). (b) Exception: Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person – (1) is in furtherance of a compelling government interest; and (2) is the least restrictive means of furthering that compelling government interest' (*apud* Merriman, 2007, p. 432). In 1997, in the case *Boerne v. Flores*, the Supreme Court and Justice Kennedy held that RFRA was unconstitutional (not because the Smith case was wrong but because the Congress wanted to guarantee the First Amendment rights based on section 5 of Amendment XIV which says: 'The Congress shall have the power to enforce, by appropriate legislation, the provision of this article', implicitly, section 1, i.e. no state shall enforce any law that shall 'abridge the privileges' of the citizens). As Kennedy put it, a law that 'alters the meaning of the Free Exercise Clause cannot be said to be enforcing the Clause. Congress does not enforce a constitutional right by changing what the right is. It has been given the power to "enforce", not the power to determine what constitutes a constitutional violation' (*apud* Merriman, 2007, p. 432). Nevertheless, since the states could do what the Congress could not, because they 'were not inhibited by the limits of Amendment XIV', explains W. Sullivan (p. 29), the same RFRA was upheld as constitutional in 2001 and has been applied in twenty states so far. Another controversial case should be mentioned here, *Burwell v. Hobby Lobby*, which overpowered the contraceptive mandate, extending religious exemptions from federal laws to for-profit corporations. The recent and still controversial Indiana RFRA was signed on 26 March 2015 by governor Mike Pence, 12 years after the formulation of the Act.

Is this an anti-gay law? Why is this regulation a reason for holding that religion is a cover for bigotry? Why should it interfere with big businesses? Why would the 'conscience of a corporation' matter here? Does this law mean that religious liberty comes against equality, or that religious freedom opposes individual equality? All these questions arise from the headlines of some articles published in the opinion sections of *The New York Times* after the enactment of the Indiana RFRA.

The first set of articles analyzed in the next section consists in some news stories that explain the background of the controversy for they bring forth several frames that guided the constructions of representations. The first article to draw attention on

the topic is titled 'Republicans Rallying Behind Religious Liberty', published on 26 September 2014, by the Associated Press; as formulated, religious liberty is one of the favored themes that republicans are to rely on in the 2016 presidential contest; it appears they need religious liberty 'to improve their brand', says the text; the lead associates religious liberty with divisive social issues; to be more specific, the next paragraph names abortion and gay marriage and it juxtaposes them with 'the persecution of Christians and their values at home and abroad'; this is, as the article puts it, 'a message GOP officials hope will help unify a divided party and appeal to new voters'; to give it credibility, the article quotes Texas Senator Ted Cruz (who is said to have stated '[w]e need a president who will speak out for people of faith, prisoners of conscience'), and also other representatives of the 'religious conservatives'; the article does more than inform on a 'Friday gathering of evangelical conservatives' hosted by Family Research Council; it constructs several frames on the problem of religious freedom, connecting it with election goals, rightist ideology, religion as prior to social issues, conscience; from the quote 'without religious freedom, we lose the ability to even address those other issues', the text goes on to explain that 'the party platform formally opposes same-sex marriage and abortion rights' and that for the future elections, as resulting from an internal audit, candidates should be 'more "inclusive and welcoming" on social issues'; as a matter of fact, at a metadiscursive level, in an apparent game of prioritizing the issues at stake, the article satirizes the priorities of the republicans: 'abortion and gay marriage were not forgotten on Friday, however', the reader is told; as regards Indiana, the text only refers to Indiana Rep. Marlin Stutzman who pleaded for a war against abortion. It would be important to mention that in the background, in 2014, according to ProCon.org, same-sex marriage was legalized in 26 states (9 of them in October 2014, by Court decision). As a consequence, the next article, provided by the search engine, announced, on 7 October 2014, 'Gay Marriage Decision Reignates GOP Debate'; the same divisive social issue is presented against religious conservatives, named 'a vocal minority'; the text quotes Ted Cruz's remarks on the Court's decision on gay marriage: 'judicial activism at its worst'; moreover, the Law and its representatives ('elected officials, attorneys and judges'), i.e. 'a court ruling', should not have 'the final word' in such matters, states the senator; his plea is for a constitutional amendment meant to 'limit the court's ability to strike down the remaining state laws blocking gays and lesbians from marrying'; the article underlines that actually the 'matter is over' in as much as 30 states, which means that 60% of the Americans live in states 'where gay and lesbian people can marry', and this idea comes against what happened ten years ago when, '[p]resident George W. Bush won reelection in part by supporting ballot initiatives in several states seeking a constitutional ban on gay marriage'; Indiana is mentioned in the article through Gov. Mike Pence who is quoted with his beliefs in 'traditional marriage' which is not above 'the rule of law' because 'people are free to disagree with court decisions but we are not free to disobey them'. In framing the 'religious freedom – social issues' disunion, another article of The Associated Press,

published on 23 December 2014 ('Church-Based Institutions Ponder Same-Sex Benefits'), signals the problems of 'church-based institutions' that 'are facing the thorny question whether they have an obligation – morally or legally – to extend health care benefits to spouses of gay and lesbian employees' amid the 'dramatic expansion of same-sex marriage'; some institutions are described as being pro offering benefits to such couples either in order to comply with laws or to sympathize with marginalized or ostracized 'brothers and sisters'; this even if such action could send 'a confusing message on church teaching'; despite the acceleration of the same-sex legalization process by federal court decisions, at the lower level of religious-based institutions, changes will come 'at a slow pace', concludes the article. The discord on the problem equal rights vs. individual autonomy (through religious freedom) would decrease in intensity if civil rights bills (non-discrimination ordinances) were introduced in the House and the Senate, affirms an article published on 1 January 2015 by The Associated Press ('Beyond Marriage, Challenges Ahead for Gay Rights Groups'); 2015 begins with some new challenges generated by the fact that 'same-sex marriage edges [are] closer to becoming legal nationwide'; even if the bill passed, Republicans controlling both chambers would not advance the bill; consequently, without such a federal law, the reader is explained, the solution resides at the state and local levels for the passing of nondiscrimination laws; the text further explains that the sexual discrimination issue seems to deepen with such particular cases as 'transgender people serving in the military', transgender restroom use, transgender teen suicide; the problem of religious freedom is, evidently, linked with the conservatives, and it refers to "'religious freedom" bills designed to give more legal protections to people who might be accused of discrimination for actions they took in accordance with religious beliefs'; Indiana, says the article, is drafting a broader bill that 'would protect business people who refuse to serve same-sex couples on the basis of their religious faith', an affirmation that comes three months before the enactment of RFRA; marriage equality for LGBT actually means 'full equality', the text assumes. At the beginning of March 2015, two articles reignite the same issue: religious freedom bills are designed against gay couples; the article signed by the Associated Press states that 'Ga. Senate OK's Religious Freedom Bill Feared by LGBT Groups', which is 'one of a wave of measures surfacing in at least a dozen states that critics say could provide legal cover for discrimination against gays and transgender people'; the reader is mentioned about some institutions that came out against the law: national gay-right groups, Human Rights Campaign, the American Civil Liberties Union; this article also associates these religious freedom bills with measures of the conservatives against a 'possible U.S. Supreme Court ruling legalizing same-sex marriage nationwide', confirmed by State Sen. Elena Parent (Atlanta Democrat); in opposition, the reader is given the statement of Senate Majority Leader Bill Cowser (Republican) according to which: '[t]his is not a vehicle for discrimination', the issue just being 'one of those fascinating areas where you have competing constitutional rights'; in other words, the religious bill has no connection with the legalization of

same-sex marriage; it is a controversy because of the nature of constitutional rights. The second article mentioned here ('States Weigh Legislation to Let Businesses Refuse to Serve Gay Couples') works on the same idea, adding that such measures 'would make it easier for businesses and individuals to opt out of serving gay couples on religious grounds'. Later, on 23 March, a news story signed by Reuters announces that 'Indiana House Passes Controversial Religious Freedom Bill'; the text begins by connecting the law with the idea it 'could protect business owners' against gay couples; the news announces that 'Senate Bill 101, known as "Religious Freedom Restoration Act"' 'was approved by the Republican-controlled House by 63-31'; Republican Governor Mike Pence is said to have considered that the law 'is about respecting and reassuring Hoosiers that their religious freedom are intact'; the article clearly formulates the pros and cons regarding the event: supporters consider the bill 'will keep government entities from forcing business owners [...] from acting in ways contrary to strongly held religious beliefs', which means, as the text formulates it, that bakeries and florists who do not want to provide service to gay couples are protected by this law, this because gay marriage became legal in Indiana in 2014; the text concludes, by quoting the national director of Lambda Legal's Law and Policy Project, that this bill, paradoxically, actually facilitates religious discrimination. On 24 March, an Associated Press article informs on the Indiana Senate voting for RFRA ('Indiana Lawmakers Send Religious Objection Bill to Governor'); it is this article that first mentions not only same-sex marriage issues in relation to religious freedom but also 'other activities' that could become 'objectionable on religious grounds'; the text builds on both pros and cons the law, focusing on arguments that try to de-prioritize gay marriage; it speaks about rallies in support of and against the Indiana bill that 'drew hundreds of people to the Statehouse in recent weeks', mentioning Christian and Jewish clergy members on each side; the argument added in support for the bill is the idea that the law was passed in 1993 and since then 19 other states have enacted it, long before they began allowing gay marriages, which is why it should not be connected to same-sex issues; it mentions Senate Majority Leader Brandt Hershman's statement that 'the proposal sets a standard for courts to review government actions and that groups against it have stirred up fears for nothing'; in opposition to this the reader is given the affirmation of Eunice Rho (American Civil Liberties Union) regarding the fact that religious bills are a response to gay marriage legalization because 'the context of the debate is much different than when many of the existing laws were enacted in the 1990s and the early 2000s'; the article ends with the same sets of oppositions: pros explain that the law is not meant to discriminate but to ensure the 'free exercise of religion', cons plead for the idea that such state proposals go beyond the federal law. Some articles focus on some effects that the law had on public issues, such as the fact that a major gaming convention threatened to move its annual event out of Indiana, or that some leaders of the Christian Church reconsider their plan to hold their general assembly in Indianapolis if Gov. Pence signs the bill. Furthermore, an article signed by Reuters on 25 March ('Indianapolis Mayor Says

Religious Freedom Bill Sends Wrong Signal') mentions that legal experts believe the Indiana RFRA 'sets a standard that will allow people of all faiths to bring religious freedom claims' and it mentions the 'legal intricacies' involved which is why the law sends the wrong message. On 26 March, a piece of news announces that as 'dispute swirls', the Indiana Religious Objections Bill is signed by Mike Pence, adding that this is the first act signed in 2015 on the issue and that it would probably be followed by other states where such proposals have been introduced; the article quotes Pence who refuted opposing arguments: '[t]here has been a lot of misunderstanding about this bill'; the 'bill is not about discrimination, and if I thought it legalized discrimination in any way I would've vetoed it'; this is followed by the opposite idea that the bill is a reaction of the conservatives against a 'possible U.S. Supreme Court ruling legalizing same-sex marriage nationwide'; it mentions the pro and con reactions of institutions on the ground of the two arguments. What followed in the course of events, after RFRA was signed, is a set of reactions, opinions of institutions or individuals representing institutions regarding the impact of the law, all of those mentioned by the articles being against RFRA: NCAA, other sports entities, the Christian Church, Gen Con, Salesforce, many tech CEOs. Moreover, 'Indiana Law Denounced as Invitation to Discriminate Against Gays', signed by M. Barbaro and E. Eckholm and published on 28 March, also informs on protests and rallies from the worlds of arts, business and college athletics and on 'threats of boycott from actors'; it adds that some legal experts say 'the potential reach of the Indiana law, and many like it, has been exaggerated by opponents', quoting law professor Douglas Laycock (from the University of Virginia): '[t]he hysteria over the law is so unjustified'; '[i]t's not about discriminating against gays in general or across the board'; '[i]t's about not being involved in a ceremony that you believe is inherently religious'. Three days after the bill was signed, a new subject arises: most states with similar laws have non-discriminatory bills, which is not the case of Indiana; when asked about it, M. Pence mentioned 'that's not on my agenda' and 'is tolerance a two-way street or not?' (Reuters in 'Indiana Governor Defends Religious Freedom Law'). On 30 March, the Associated Press publishes an article entitled 'A Look at Widely Criticized Indiana Law on Religious Freedom' which summarizes the history of the bill, explains why it is associated with same-sex marriage and mentions in brief some of the reactions and impact of the bill.

The next set of articles to analyze here consists in opinion pieces written on the topic. The intention is to go beyond news objectivity into personal, subjective (and yet public) perspective on the controversy in order to identify further frames, meanings and understandings of equality, civil rights, individual liberty and religious freedom in relation to law. The editorial published on 31 March ('In Indiana, Using Religion as a Cover for Bigotry') starts with a label: the religious-freedom law was signed by Mike Pence 'driven by bigotry' mentioning that opponents 'are spreading "misinformation"'; the article assumes that the law does not specifically permit businesses to refuse gays and lesbians but this lack of direct reference to gay

discrimination in the content of the law is intentional because 'drafters were too smart to make it explicit' and 'nobody is fooled as to the law's underlying purpose'; moreover, the enactment of the law is seen as a tactic meant to 'justify and support anti-gay discrimination', which is relatively new; new because a decade ago states could openly ban such marriages but since in recent years federal and state courts have struck down the interdictions as unconstitutional, this law on religious freedom is only another 'strategy' for the fight against same-sex marriage; what is special about this Indiana law, affirms the editorial, is that it came along with gay rights and marriage equality, whereas in the other 19 states where the law was adopted it was applied to disputes between individuals and the government; the tone is more sarcastic when the text refers to Mike Pence who is said to have affirmed that the law "'is not about discrimination" but about 'empowering people'"; irony and accusation become more evident when the article mentions Pence's refusal to consider a non-discrimination law and his statement with regard to the clarity of the bill: the 'freedom to exercise one's religion is not under assault in Indiana or anywhere else in the country', for religious people 'may worship however they wish and say whatever they like'; all in all, the reader is told that religion is only a weapon, a 'cover for discrimination in the public sphere'. David Brooks signs a column titled 'Religious Liberty and Equality'; as the intro announces, it is all about 'a great struggle to balance civil rights and religious liberty'; in his rhetoric, Brooks uses some of the Aristotelian pathos when formulating: '[w]e are to be judged by how we love, not by whom we love'; denying civil rights to gays and lesbians is 'wrong', affirms the author, adding they should be 'honored' for marrying and living as they want; the counterargument is 'this was a nation founded on religious tolerance', the 'ways of the Lord are mysterious' and 'Americans have always believed that people should have the widest possible latitude to exercise their faith'; bigots are opposed to 'people worthy of tolerance, respect and gentle persuasion' when it comes to heterosexual definitions of marriage; the text of the law is understood by Brooks as a 'moderate, grounded, incremental strategy' that 'has produced amazing results'; among its benefits: '[f]ewer people have to face the horror of bigotry, isolation, marginalization and prejudice'; as regards the Indiana bill, the matters mentioned are 'no tension between religious pluralism and equality' as well as 'religious liberty as cover for anti-gay bigotry', which are the two arguments of the opposing parties; Brooks calls them unwise 'deviation' for it seems the acute problem is the lack of tolerance for both sides; religious liberty and civil rights should be balanced or else 'the cause of gay rights will be associated with coercion, not liberation'; any movement that stands for tolerance would be against a government that compels people to do what is against their beliefs, adds Brooks; people should be respected for their religious creeds or else this 'would only halt progress': 'religious liberty is a value deserving our deepest respect, even in cases where it leads to disagreements as fundamental as the definition of marriage'; the set of theorems that Brooks offers is simple and pointed: tolerance is linked with morality and the 'politeness of the soul', which also means 'creating

accommodations'; 'basic truths are inalienable', discrimination 'is always wrong', bigotry is even worse, but what matters most is to 'seek a creative accommodation' – this ultimate value being the fundament of a pluralistic society, in which 'we try to turn philosophic clashes (about right and wrong) into neighborly problems in which different people are given space to have different lanes to lead lives', concludes David Brooks; the greatest mistake of the two parties involved is taking an 'absolutist position', which is not pragmatic, virtuous or true 'in a clash of values', emphasizes the journalist. This invitation for 'deep politeness' rather than compulsion is refuted by a comment on Brooks' text which explains that in the civil rights movement the key was 'confronting the evil' not 'courtesy toward the antagonist', which is why anti-discrimination laws would be a necessity. Charles M. Blow opposes religious freedom to individual equality in an opinion piece published on 1 April ('Religious Freedom vs. Individual Equality'); it starts from Mike Pence's belief that the controversy over the law is caused by a 'perception problem' of the law meant to protect the 'heteronormative construct', which is explicitly denied by Blow: 'there is no perception problem' but rather a 'detection problem' because people 'detected precisely what the bill was designed to do, and they objected'; the journalist argues that the law is all about 'the possibility that religion could be used as a basis of discrimination against some customers', which is 'repulsive and deserving of all manner of reprobation'; to support his belief, Blow mentions a source that sustains that RFRA is different in Indiana, compared to the other 20 states, because it applies to for-profit business and because the free exercise right could become a 'defense against a private lawsuit by another person, rather than simply against actions brought by government'; in denouncing the bill, Blow uses such terms as 'state-sponsored discrimination' which is 'blatant and codified', 'discordant with current cultural norms' and 'anathema to universal ideals of fairness and human dignity'; moreover, the journalist also mentions 'a moral issue driven by consumerism considerations', explaining: '[b]ig business had more to lose by appearing intolerant than small business had to gain by hewing to an exclusionary holiness'; further, this law is connected to good will and good public relations since equal treatment is 'the appropriate moral position'; the problem is tolerance, so it seems, because those who do not confront and are pious, to paraphrase Blow, actually want to hate and to discriminate; they are bigots; Blow's rhetorical question is: '[w]here are the lines between religious rights, business rights and human rights?'; what the journalist penalizes comes through a Harvard Law School quotation which stipulates that the First Amendment is wrongly interpreted because it shifts from the protection of individual freedom to business freedom; the conclusion is even more rhetorical: 'one person's opinion' vs. 'another's personal liberty'? In 'Indiana Loses Its Game', Gail Collins emphasizes one interpretation of the discord that came along in media: the Indiana law was similar to the federal religious freedom act but it extended to businesses and it was used by conservatives as a pretext for covering their 'inability to ban same-sex marriage'. Timothy Egan ('The Conscience of a Corporation') is witty

and harsh in looking down upon businesses that mix consumer goals or moneymaking with religious convictions due to their 'deeply held relationship with God', which he calls 'corporate consciences'; in other words, he criticizes the law for giving religious rights to entities without a soul, which is the hypothesis for a debate on the understanding of 'person' in juridical terms: 'Apple, Nike, Yelp, Gap, PayPal [...] have rebelled. They are saying: No, don't give us the power to discriminate. We'd rather remain soulless purveyors of product to the widest possible customer base'; the conclusion of the article is irrevocable: even if endowed with conscience and a soul, 'a corporation will never truly be a citizen'. This article identified the role that companies play in the political process. The editorial published on 3 April ('Big Business and Anti-Gay Laws') debates on this issue calling it a 'bargain' in which companies simply react to 'the change in public opinion about same-sex marriage'; since corporations have influential voices on the political stage, once they 'are embarrassed by religious freedom laws', they should consider when to support political interests, underlines the Editorial Board of *The New York Times*. In 'Bigotry, the Bible and the Lessons of Indiana', Frank Bruni formulates the polemic around the incompatibility of 'homosexuality and devout Christianity'; what sin is, opines Bruni, is a matter of decision and of choice, opposing ossified beliefs and ancient texts to the advances of science and knowledge, for 'all writings reflect the biases and blind spots of their authors, cultures and eras' whereas 'interpretation is subjective and debatable'; differences, like all humans, are 'magnificent riddles', says the journalist; the object of his argumentation is prejudice and in support of this he brings several considerations of church figures who opine on prejudice and the understandings of the Bible, such as an evangelical Christian who teaches ethics at Mercer University: '[h]uman understanding of what is sinful has changed over time', i.e. contraception, slavery, gender roles 'have moved far beyond Scripture'. Ross Douthat imagines a Platonic dialogue with a member of the press in an 'Interview with a Christian'; the first topic is on businesses and customers and the notion of identity; declining service for a reason ('religious scruples included') relates to belief and not identity, believes Douthat, for '[d]enying service to gays is like denying service to blacks under Jim Crow'; this means that refusing service does not apply to an entire class because it is not 'a structural system of oppression' but a 'handful of shops across the country', i.e. the issue at stake is not group identity (therefore it is not a community problem) but rather a problem of individual discrimination and tolerance ('these issues are difficult and personal'); when compared to race marriage, Douthat explains that interracial marriage was not a 'biblical meta-narrative' or a Christian inheritance, whilst the traditional view on male-female marriage is a 'radical idea separating the early church from Roman culture', consequently, heterosexual marriage is a biblical metanarrative; another debatable aspect that is brought up is the idea that 'homosexuality isn't chosen' and it should not be a reason for cruelty; this is overturned by the reason that 'we are all in the grip of an unchosen condition' (emphasis added); the recent and modern views on sexuality are, as the journalist names them, 'post-biblical' and 'post-

Christian’; moreover, having to ‘live with the tension between their attractions and their faith’ is ‘a cruel delusion’, ‘an impossible position’, which actually is the condition of all humans, i.e. this controversy is not new; it’s all about the duality sacred-secular, humanity-God: ‘the Christian idea is that God asks the seemingly impossible of all of us – and, fortunately forgives us when we fail’.

5. Conclusions

The recent intense debates in the media on the *Religious Freedom Restoration Act* confirm the initial hypothesis of the present paper: the dispute over the understanding of democratic norms continues and will never come to an end, for it is rooted in ancestral dichotomies, more or less religious. That the ‘sacred vs. secular’ is in the human condition is true, but what is interesting is what new meanings this truism receives once democracies and creeds advance.

As regards the first research question, RFRA is one of the laws that try to give juridical form to current American representations of freedom and rights in terms of religion; it is about granting the ‘free exercise of religion’ to ‘persons’ (individuals, organizations, companies, entities, etc.) and about little (‘in the least restrictive means’) involvement of the government in burdening this free exercise unless there is some ‘compelling government interest’. It has been controversial from the very beginning for it mingles religion and the state, opposing individual (religious) freedom and ‘government interest’. Moreover, it is a matter of discord for it establishes limits in matters of tolerance, a fundamental creed in a pluralistic democratic society; it places a moral issue at the origin of public action and it intertwines morality and legislation. It has become even more litigious because exercising religious beliefs that could come against other beliefs or practices could mean discrimination, whether we talk about individuals or groups involved, i.e. a ‘person’s liberty’ here comes against another ‘person’s liberty’. In other words, it is a law that elaborates on the recognition of difference (on religious grounds), which is an imperative for human dignity, but it could infringe on the very recognition of difference. Furthermore, the free exercise of religion could imply exemptions from state regulations, which means that such regulations are not for all, i.e. inequality.

As for the second research question, the media representations of RFRA have given voice to some contemporary realities related to the tenets involved. Most texts debated on several interpretations of the law, based on its legal intricacies and mostly based on the effects that contextualization had on the representations of values. The news stories provided several frames that directed the course of meanings. Months before the enactment of the Indiana RFRA, news spoke about republicans, divisive social issues and Christianity, mentioning religious liberty among their campaign themes for the future elections, i.e. religious freedom is not only a constitutional right, it is also an electoral weapon; moreover, another frame resulting from this is its connection to same-sex marriage, hence the discord religious freedom – LGBT rights; moreover, RFRA is described as a ‘cover for discrimination’, religious freedom

is called discrimination, and even 'state-sponsored' discrimination; discrimination is opposed to fairness and human dignity but the solution to this, it is suggested, would be non-discrimination ordinances, which means that the Law is expected to solve the dispute it initiated; another frame resulted from the discussion on the extension of religious freedom to businesses, namely the ridiculing of juridical vocabulary, and of law in general, around the meaning of 'person', for companies are attributed religious beliefs, consequently souls and conscience, an argument against the interfering of law and politics in religious matters; connected to this is also the representation of religious freedom as conscience vs. for-profit companies, meaning money, bargain and consumerist goals, casting doubt upon the 'conscience' of such corporations that may only want to express their opposition to the law in order to adapt to the changes in public opinion regarding social divisions in general, and same-sex marriage in particular; the strongest argument of those in favor of the law was that RFRA is not a new bill and it applied in 19 states without involving gay issues; this is refuted by the idea of contextualization, more important than the text itself; another frame is that of conspiracy, tactic, strategy, underlying purpose (of the republicans) in seeing that the law is directed against the forthcoming nationwide legalization of same-sex marriage; a democratic pluralistic society, underline some articles, means tolerance, respect, accommodation, and this is as an argument against both religious freedom (and RFRA) and LGBT rights for they are both absolutist in their fight; the dispute also revolved around religious freedom as bigotry and prejudice having no place in an evolving society; another understanding of the tenets in discussion saw this law as only responding to individual identity problems that do not concern any community.

A new historicist perspective on the debated values would explain the phenomenon: it is the context that constructs the text, eventually the meaning, regardless the nature of the text (legal, political, economic, cultural, social, etc.). Whether values have a correspondence in 'reality', i.e. arguing on the nature of the correspondence between representation, simulation, simulacrum, has not been the issue here; nevertheless, at rhetorical level, the postmodern consideration of the matter remains valid: such continuous debates on meanings (of democracy, in this case) contribute to their indeterminacy. Had these debates come to an end, we would have reached the 'end of history' with the 'Last Man' for, with Francis Fukuyama (1992, p. 311): 'human life then involves a curious paradox. It seems to require an injustice, for the struggle against injustice is what calls forth what is highest in man'.

References:

1. Barbaro, M. and Eckholm, E., 'Indiana Law Denounced as Invitation to Discriminate Against Gays', *The New York Times*, 28 March 2015, [Online] available at <http://www.nytimes.com/2015/03/28/us/politics/indiana-law-denounced-as-invitation-to-discriminate-against-gays.html>, accessed on 15 April, 2015.
2. Baudrillard, J., *America*, Pitești: Paralela 45, 2008a.
3. Baudrillard, J., *Simulacre și simulare*, Cluj-Napoca: Idea Design & Print, 2008b.

4. Blanchet, P. and Francard, M., 'Identități culturale', in Ferréol, G. and Jucquois, G. (eds.), *Dicționarul alterității și al relațiilor interculturale*, Iași: Polirom, 2005, pp. 328-339.
5. Blow, C.M., 'Religious Freedom vs. Individual Equality', *The New York Times*, 1 April 2015, [Online] available at <http://www.nytimes.com/2015/04/02/opinion/charles-blow-religious-freedom-vs-individual-equality.html>, accessed on 15 April, 2015.
6. Bragdon, H.W. and McCutchen, S.P. (eds.), *History of a Free People*, New York: The MacMillan Company, 1964.
7. Brooks, D., 'Religious Liberty and Equality', *The New York Times*, 31 March 2015, [Online] available at <http://www.nytimes.com/2015/03/31/opinion/david-brooks-religious-liberty-and-equality.html>, accessed on 15 April 2015.
8. Bruni, F., 'Bigotry, the Bible and the Lessons of Indiana', *The New York Times*, 3 April 2015, [Online] available at <http://www.nytimes.com/2015/04/05/opinion/sunday/frank-bruni-same-sex-sinners.html>, accessed on 15 April, 2015.
9. Collins, G., 'Indiana Loses Its Game', *The New York Times*, 2 April 2015, [Online] available at <http://www.nytimes.com/2015/04/02/opinion/gail-collins-indiana-loses-its-game.html>, accessed on 15 April, 2015.
10. Deveaux, M., *Cultural Pluralism and Dilemmas of Justice*, New York: Cornell University Press, 2000.
11. Douthat, R., 'Interview with a Christian', *The New York Times*, 4 April 2015, [Online] available at <http://www.nytimes.com/2015/04/05/opinion/sunday/ross-douthat-interview-with-a-christian.html>, accessed on 15 April, 2015.
12. Egan, T., 'The Conscience of a Corporation', *The New York Times*, 3 April 2015, [Online] available at <http://www.nytimes.com/2015/04/03/opinion/timothy-egan-the-conscience-of-a-corporation.html>, accessed on 15 April, 2015.
13. Fausset, R. and Blinder, A., 'States Weigh Legislation to Let Businesses Refuse to Serve Gay Couples', *The New York Times*, 5 March 2015, [Online] available at <http://www.nytimes.com/2015/03/06/us/anticipating-nationwide-right-to-same-sex-marriage-states-weigh-religious-exemption-bills.html>, accessed on 15 April, 2015.
14. Ferréol, G. and Jucquois, G., (eds.), *Dicționarul alterității și al relațiilor interculturale*, Iași: Polirom, 2005.
15. Fukuyama, F., *The End of History and the Last Man*, New York: The Free Press, 1992.
16. Hayek, F.A., *The Constitution of Liberty*, London: Routledge Classics, 2006.
17. Held, D., *Models of Democracy*, Cambridge: Polity Press, 2006.
18. Jenkins, R., *Social Identity*, London and New York: Routledge, 1996.
19. Jucquois, G., 'Diversitate' in Ferréol, G. and Jucquois, G. (eds.), *Dicționarul alterității și al relațiilor interculturale*, Iași: Polirom, 2005, pp. 213-221.
20. Leffel, J., 'Engineering Life: Human Rights in a Postmodern Age', *CRI Statement De-311*, pp. 1-8, [Online] available at <http://www.equip.org/PDF/DE311.pdf>, accessed on 15 April, 2015.
21. Lyotard, J.-F., *The Postmodern Condition: A Report on Knowledge*, transl. Geoff Bennington and Brian Massumi, Manchester: Manchester University Press, 1984.
22. Merriman, S.A., *Religion and the Law: An Encyclopedia of Personal Belief and Public Policy*, Santa Barbara: ABC-CLIO, 2007.
23. Miller, D., *Principles of Social Justice*, The President and Fellows of Harvard College, 1999.

24. Policar, A., 'Dreptate socială' in Ferréol, G. and Jucquois, G. (eds.), *Dicționarul alterității și al relațiilor interculturale*, Iași: Polirom, 2005, pp. 237-255.
25. ProCon.org, '37 States with Legal Gay Marriage and 13 States with Same-Sex Marriage Bans', *ProCon.org*, 17 April 2015, [Online] available at <http://gaymarriage.procon.org/view.resource.php?resourceID=004857>, accessed on 30 April, 2015.
26. Rawls, J. and Kelly, E. (eds.) *Justice as Fairness: A Restatement*, The President and Fellows of Harvard College, 2001.
27. Raz, J., *The Morality of Freedom*, Oxford: Oxford University Press, 1986.
28. Reuters, 'Indiana House Passes Controversial Religious Freedom Bill', *The New York Times*, 23 March, [Online] available at <http://www.nytimes.com/reuters/2015/03/23/us/politics/23reuters-usa-indiana-gays.html>, accessed on 15 April, 2015.
29. Reuters, 'Indianapolis Mayor Says Religious Freedom Bill Sends Wrong Signal', *The New York Times*, 25 March 2015, [Online] available at <http://www.nytimes.com/reuters/2015/03/25/us/25reuters-usa-indiana-bill.html>, accessed on 15 April, 2015.
30. Sarat, A. and Kearns, T.R. (eds.), *Cultural Pluralism, Identity Politics, and the Law*, Ann Arbor: University of Michigan Press, 2004.
31. Sisk, G.C., *Litigation with the Federal Government*, The American Law Institute, 2006.
32. Sullivan, W.F., *The Impossibility of Religious Freedom*, Princeton: Princeton University Press, 2005.
33. Swingewood, A., 'The Myth of Mass Culture', in Jenks, Chris, *Culture*, London and New York: Routledge, 1994.
34. Taylor, C., 'The Politics of Recognition', in Gutmann, A. (ed.), *Multiculturalism*, Princeton: Princeton University Press, 1994, pp. 25-74.
35. The Associated Press, 'A Look at Widely Criticized Indiana Law on Religious Freedom', *The New York Times*, 30 March 2015, [Online] available at <http://www.nytimes.com/aponline/2015/03/30/us/ap-us-religious-objections-news-guide.html>, accessed on 15 April, 2015.
36. The Associated Press, 'Beyond Marriage, Challenges Ahead for Gay Rights Groups', *The New York Times*, 1 January 2015, [Online] available at <http://www.nytimes.com/aponline/2015/01/01/us/ap-us-gay-rights-year-ahead.html>, accessed on 15 April, 2015.
37. The Associated Press, 'Church-Based Institutions Ponder Same-Sex Benefits', *The New York Times*, 23 December 2014, [Online] available at <http://www.nytimes.com/aponline/2014/12/23/us/ap-ap-us-rel-gay-marriage-religious-institutions.html>, accessed on 15 April, 2015.
38. The Associated Press, 'Ga. Senate OK's Religious Freedom Bill Feared by LGBT Groups', *The New York Times*, 5 March 2015, [Online] available at <http://www.nytimes.com/aponline/2015/03/05/us/ap-us-xgr-religious-freedom.html>, accessed on 15 April, 2015.
39. The Associated Press, 'Gay Marriage Decision Reignites GOP Debate', *The New York Times*, 7 October 2014, [Online] available at <http://www.nytimes.com/aponline/2014/10/07/us/politics/ap-us-gay-marriage-2016-politics.html>, accessed on 15 April, 2015.
40. The Associated Press, 'Indiana Lawmakers Send Religious Objection Bill to Governor', *The New York Times*, 24 March 2015, [Online] available at <http://www.nytimes.com/aponline/2015/03/24/us/ap-us-xgr-religious-objections.html>, accessed on 15 April, 2015.

41. The Associated Press, 'Indiana Religious Objections Bill Signed as Dispute Swirls', *The New York Times*, 26 March 2015, [Online] available at <http://www.nytimes.com/aponline/2015/03/26/us/ap-us-xgr-religious-objections.html>, accessed on 15 April, 2015.
42. The Associated Press, 'Republicans Rallying behind Religious Liberty', *The New York Times*, 26 September 2014, [Online] available at <http://www.nytimes.com/aponline/2014/09/26/us/politics/ap-us-republicans-religious-conservatives.html>, accessed on 15 April, 2015.
43. The Editorial Board, 'Big Business and Anti-Gay Laws', *The New York Times*, 3 April 2015, [Online] available at <http://www.nytimes.com/2015/04/04/opinion/big-business-critical-role-on-anti-gay-laws.html>, accessed on 15 April, 2015.
44. The Editorial Board, 'In Indiana, Using Religion as a Cover for Bigotry', *The New York Times*, 31 March 2015, [Online] available at <http://www.nytimes.com/2015/03/31/opinion/in-indiana-using-religion-as-a-cover-for-bigotry.html>, accessed on 15 April, 2015.
45. *The New York Times*, [online] at <http://www.nytimes.com/>.
46. Tocqueville, A.de, *Democracy in America*, Chapter XVII: Principal Causes which Tend to Maintain the Democratic Republic in the United States, [Online] available at http://xroads.virginia.edu/~Hyper/DETOC/religion/ch1_17.htm, accessed on 12 April, 2015.
47. Tocqueville, A. de, *Democracy in America*, Wordsworth Classics of World Literature, 1998.
48. Todorov, T., *The Conquest of America. The Question of the Other*, Norman: University of Oklahoma Press, 1999.