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Title: A Case Study In Religion And Culture History: Faith Healing In The United States Within The Christian Tradition

“Law is a resource in signification that enables us to submit, rejoice, struggle, pervert, mock, disgrace, humiliate, or dignify” (Cover, 1982).

Death comes at any time to anyone. Special attention and grief are given to those deemed to have died “before their time.” Sense is sought in the insensible by looking for someone or something to blame. Who is to blame when a child dies—God or the parents? The legal controversies surrounding faith healing often highlight questions of blame. Christians proclaim a belief in the ultimate power of God to give and take life (Job 1:21, NRSV); thus, the vast majority of Christian traditions acknowledge healing by faith to some degree and pray for the sick. Faith healing, however, has been redefined to mean the complete rejection of Western secular medicine in favor of prayer alone, even in the face of infant death. While some aspects of faith healing are endemic to most Christian communities, the total rejection of Western medicine presents many problems, especially when seeking medical care may have prevented death.

Modern day faith healing stems from the Prosperity Gospel, propagated during the Charismatic Movement of the 1960s. Therefore, it is no surprise that Pentecostals and Charismatic groups, such as Christian Scientists and the Church of the First Born, are the primary denominations that practice faith healing. In a survey by Pew Research Center, 96% of renewalists (those who identify as Pentecostal or Charismatic) report to have witnessed or experienced divine healing, compared to 66% of non-renewalists (Liu, 2011). Yet, it is not divine healing that creates a controversy. A controversy is precipitated when healing does not come and a child dies after being treated by faith healing instead of receiving secular medical care. Controversies over faith healing have been treated differently depending on how American society defined religious freedom at the time. Furthermore, states are more likely to bear the burden of creating these definitions and determining the breadth of religious exemptions. “When statutes and constitutional principles give special treatment to a religious action or organization, courts must be able to say what is religious” (Greenwalt, 2011). However, in attempting to define religion, one will leave out the nontraditional and create a definition limited in its reach. This is problematic when courts are challenged to decide on cases involving faith healing deaths.

BIBLICAL ROOTS

Faith healing has been practiced within the Christian faith for centuries. Jesus’ ability to heal is what makes him credible in the earliest Gospel, the Gospel of Mark. Recorded in the Gospel of Mark, the first of the Gospels to be published circa 70 CE, the credibility of Jesus’s divinity is due to healings. The other Gospels, Matthew, Luke, and John, also utilize this theme of healing. In all four Gospels, there are seventy-two recorded healings attributed to Jesus, forty-one of which refer to distinct episodes (Porterfield, 2005). Outside of the Gospels, faith healing continues as a Biblical theme within New Testament epistles. Many who practice faith healing often cite the Epistle of James 5:14-15: “Is anyone among you sick? Let him call for the elders of the church and let them pray over him, anointing him with oil in the name of the Lord. And the prayer of faith will save the sick, and the Lord will raise him up” (NRSV).

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The theology of faith healing can be broken down into three main forms of justification. The first is conceiving faith healing as a religious obligation. From this viewpoint, Scripture is seen as law directing one's actions and inactions. Therefore, faith healing is seen as a commandment instructed by God. Many support this viewpoint by the Mission of the Twelve recorded in Matthew: "Cure the sick, raise the dead, cleanse the lepers, cast out demons" (Matthew 10:8, NRSV). Others view faith healing as a proof of one's faith. This point is made by concluding that Jesus healed others, and if one is to be like Jesus, they must also heal. The third theological viewpoint on faith healing includes the belief that faith healing is more effective than secular medicine because God's power is more trustworthy than works of man, including medicine (Campbell, 2010).

A BRIEF HISTORY OF FAITH HEALING

The popularity of these justifications of faith healing arose in Europe circa 1800. Johann Blumhardt, a Protestant evangelist in the former state of Württemberg, Germany, drew attention due to his Charismatic speaking coupled with his alleged power of faith healing. Many traveled from great distances to visit Blumhardt and request healing. In response, Blumhardt insisted healing came not through his hands, but through prayer. Blumhardt received tremendous amounts of attention, leading him to build houses for people to stay in when they came to seek his services. These houses became the first "healing homes" gaining international attention (Hughes, n.d.).

Familiar with the work of Blumhardt, John Banyard began the Church of the Peculiar People (later known as the Union of Evangelical Churches) in 1838 London. This group was the first sect of Protestantism to completely refuse medical treatment as a tenant of their faith (Livingstone, 2006). Their denial of medical treatment created the first recorded faith healing court cases involving child death. The majority of these rulings resulted in the imprisonment of parents, leading the Church to reluctantly accept modern medicine in 1930 (Livingstone, 2006).

In 1875, Mary Baker Eddy, inspired by the Church of the Peculiar People, popularized and revolutionized faith healing in America through her book *Science and Health With Key to the Scriptures*. In her book, Eddy constructs a theory of sickness as an illusion that can be overcome by prayer. Furthermore, she argues faith healing is the only proper and effective "system of medicine." She states, "We must abandon pharmaceuticals, and take up ontology, 'the science of real being.' We must look deep into realism instead of accepting only the outward sense of things" (Eddy, 1875).

In 1879, Eddy's book became a core text in the religious doctrines of the Church of Christian Science. Eddy describes the Christian Science faith as a revival of "primitive Christianity and its lost element of healing" (Eddy, 1875). Although not fully outlawing medicine, the Christian Science doctrine states prayer is most effective when not combined with medicine. To train faith healers in the art of prayer, Eddy chartered and presided over the Massachusetts Metaphysical College. The Massachusetts Metaphysical College graduated over 4000 doctors of "Christian Science" (Swan, 1983). Yet, the Christian Science movement, and consequently faith healing, lost popularity in 1910 after the death of Mary Baker Eddy as the denomination was divided over who should succeed her leadership (Craft, 1999).

The Charismatic Movement of the 1960s brought renewed life to faith healing. The Charismatic Movement was a primarily Pentecostal movement and popularized the Prosperity Gospel, which resulted in a rise of faith healing. The Prosperity Gospel presents the idea that those who are doing what is right in the Lord's eyes will be rewarded by tangible blessings, such as good health. Many Pentecostal and Charismatic leaders

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used the Prosperity Gospel to draw attention to faith healing by equating great faith with great healing powers (Hugh, n.d.). Faith healing drew in large crowds as the Charismatic Movement grew. Becoming more prevalent and commonplace, faith healing drew the public's attention as it became both more socially acceptable as well as more openly challenged. Now, modern day politicians and Christians are challenged to address faith healing and its legality.

FAITH HEALING CASE STUDY

In the late 1980s to early 1990s, numerous criminal cases were filed, prosecuting members of the Christian Science Church for the deaths of children. These cases involved families who rejected available medicine, choosing instead to treat their children with prayer. The most prominent of these cases was the Commonwealth of Massachusetts v. Twitchell in 1986 (Rosato, 1994).

When Robyn Twitchell, son of David and Ginger Twitchell, began showing signs of illness, his parents called the on-staff nurse at their church of Christian Science and consulted Christian Science publications outlining the rights and obligations of faith healers. The Church appointed a nurse to pray over the child, yet Robyn died on the fifth day of sickness. An autopsy concluded Robyn has died from peritonitis, which is easily treated with secular medicine. The legal case reported that Robyn was in immense pain at the time of death. One witness claims the neighbors closed their windows in an attempt to shut out his cries. The nature of his death triggered the Commonwealth of Massachusetts to charge the Twitchells with involuntary manslaughter for failing to provide necessary medical care to a minor under their care (Rosato, 1994).

The Twitchells' defense contended that the couple was well within their First Amendment rights to treat their son's illness in accordance to their faith tradition. The First Amendment "prohibits the making of any law [...] impeding the free exercise of religion" (U.S. Const. Amend I). The Twitchells believed they should not be required to take their son to the doctor due to the tenants of their faith. "Christian Scientists maintain that seeking medical attention is a personal decision and that the First Amendment protects their right to believe that 'God's infinite goodness, realized in prayer and actions, heals'" (Guzder, 2009). Requiring medical care against their religious beliefs of theodicy, they argued, would be prohibiting their right of free exercise.

In response to the Twitchells' case, a religious studies professor at Oregon State University, Dr. Courtney Campbell, stated, "If such a theodicy cannot be articulated beyond the bare statement of belief, community custom, and a citation of a biblical reference, the practice cannot be ethically justified and the state has a compelling reason to intervene in the interests of protecting children" (Campbell, 2010). By this statement, Campbell is creating a criterion of providing proof for religious actions in order to merit First Amendment protection. Campbell's statement brings up the question of how one can prove healing claimed to be by God in a society where proof is highly valued. Without tangible proof, Campbell reasons the state has a compelling interest to intervene, which the prosecution also agreed upon. The prosecution stated the wellbeing and health of their son outweighed the Twitchells' religious convictions. As Dr. Richard Sloan stated, "Too often, religious exemptions in contemporary American society has resulted in us subordinating all other values [...] the law must recognize that the rights of children supersede the rights of their parents to free expression of religion" (Guzder, 2009). The Twitchells were ultimately convicted of involuntary manslaughter and required to bring their remaining children to a licensed physician. Robyn Gittens from the Prosecutor's Office commented, "The law is now clear: Parents cannot sacrifice the lives of their children in the name of religious freedom" (Courts Overturn, 1993). Although Gittens attempted to create a clear-cut answer, the issue of faith healing is not that

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simple. The law is not as clear as Gittens stated; otherwise, the controversy of faith healing would have ended there.

In 1993, the Twitchells' conviction was overturned on a technicality. During an appeal, evidence was presented to the judge that showed the Twitchells reasonably believed they could rely on spiritual treatment without fear of repercussions by the State. The father, David Twitchell, had read a church publication entitled *The Legal Rights and Obligations of Christian Scientists in Massachusetts*, which stated that "remedial treatment by spiritual means alone satisfies any parental obligations not to neglect a child or to provide a child with physical care" (Suber, 1993). Although ignorance of the law, *ignorantia juris non excusat*, is not allowed as a defense, the judge ruled this was crucial information that should have been presented to the jury before conviction.

GOVERNMENT RESPONSE TO FAITH HEALING

The Twitchells' case and numerous court cases following prompted the public to urge the federal government to respond. Those who supported faith healing wished for an amendment to legalize the rejection of medical care on religious grounds as protected by the First Amendment. On the other hand, those who did not support faith healing hoped for stricter laws that would hold parents responsible when faith healing resulted in the death of a child. This divide was also noted within Congress. Republican Senator Dan Coats and Republican Congressman Bill Goodling spoke on the floor claiming parents have a right to deny medical care for their children under the First Amendment (Swan, n.d.). Alternatively, Democratic Senator Walter Mondale and Democratic Congresswoman Patricia Schroeder argued that faith healing was child abuse and the interest of the child should trump religious expression of the parents. In order to please both sides and limit federal government involvement, the Child Abuse Prevention and Treatment Amendment (CAPTA) was presented and was ratified in 1996 (National Child Abuse Project, 2014).

The Amendment stated three main principles:

The Federal government cannot require medical treatment against the religious beliefs of the parent.

State governments may find parents guilty of child abuse or neglect due to reliance on spiritual means rather than medical treatment.

State child protective services may intervene to provide medical care to a child when treatment is necessary to prevent serious harm to the child.

Furthermore, an accompanying clause declared "case by case determinations concerning the exercise of the authority of this subsection shall be within the sole discretion of the State" (42 U.S.C. § 5106i). Therefore, CAPTA allows, but does not require, state involvement when child abuse is suspected.

Thirty-eight states and the District of Columbia have religious exemptions from child abuse and neglect prosecution within their civil law codes. These exemptions can prevent Child Protective Services from investigating suspected child abuse on the basis of religious beliefs. Six states allow exemptions for "negligent homicide, manslaughter and/or capital murder" (Swan, n.d.). States have these religious exemptions because of a traditional dedication to the family. "In the liberal political tradition, the state necessarily grants the family wide latitude and substantial social space and freedom in the nurturing of children" (Campbell, 2010). In doing so, parents are allowed to engage in a wide range of activities they may potentially harm their children.

While prioritizing the family, societal culture also limits religious expression by narrowing what is

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included under the umbrella of religion. These societal beliefs are expressed in law. Out of the thirty-eight states with religious exemptions, twenty have a variation of the statement, faith healing exemptions only apply when done “in accordance with the tenets and practices of a recognized church or religious denomination” (i.e. Virginia Code 63.1-248.2)¹. This statement limits faith healing religious exemptions for known established organizations who have a history of faith healing, such as the Church of Christian Science and the Church of Christ. Consequently, those in new religious groups, those who practice faith healing without membership to a religious group, and those in denominations that do not practice faith healing, would not have protection under religious exemption laws.

The civil codes of fourteen other states define religious exemptions only applying to the “legitimate and genuine practice of his religious beliefs” (i.e. Indiana Code 31-34-1-14). These codes assume a person is able to validate religion based on the idea of sincerity and legitimacy, which is highly subjective. American courts legitimize religions that fall into a set category defined by “services that take place in buildings [...] where people gather together to worship this transcendent deity, usually called God, under the supervision of a religious specialist” (Geil, 2009). Questions are raised when one practices faith healing outside of what American society deems a religious norm.

With states answering questions of religion and culture differently, many people and organizations have joined together to pressure the federal government to set a national standard in regards to children and faith healing. The largest movement is being led by Dr. Rita Swan. Swan founded Children’s Healthcare is a Legal Duty (CHILD) in hopes of ending state allowed exemptions as reflected in CHILD’s mission statement: “The mission of Children’s Healthcare Is a Legal Duty is to end child abuse or neglect related to religion, cultural practices, or quackery through public education, research, legal action, and lobbying” (Swan, n.d.). Swan, an ex-Christian Scientist who lost her son to faith healing, stated that many parents would be relieved to have legislation to remove all religious faith healing exemption because “it takes the moral burden of decision making off the parents’ shoulders,” and “they no longer have broken a law of the church” (Blue Ridge, 2009). Dr. Swan believes the entire public wants and would benefit from a stricter amendment denying religious exemptions.

Despite Swan’s efforts, and the efforts of many others, the federal government has been silent. This is because the government is facing a conflict of interests. The federal government is torn between two prized commitments—a commitment to child welfare laws and a commitment to freedom of religious expression. The federal government strives to be secularized with the state being divided from religion; however, their commitment to freedom of religious expressions forces religion and the state to interact in the form of religious exemptions. These interactions are marked with tensions between the state’s dedication to religious freedom and child welfare. Dr. Gordinier, Director of Public Policy of the Institute for Humanist Studies, defines religious exemptions as “dispensations given to certain individuals to not comply with laws that other[s] are legally obligated to obey” (Gordinier, 2000). If a law is not important enough to be followed by everyone, should there even be a law? (Greenwalt, 2011). If one must legalize religious exemptions to allow for individuals not to comply with the current child neglect laws, should the child neglect laws be put in place?

The federal reluctance to intervene explains why CAPTA delicately hands the burden of determining the legality of faith healing from the federal government to the states. The United States federal government historically avoids involvement in religious affairs as Americans prize and idealize their forefathers’ struggles escaping religious persecution. Americans cling to the separation of church and state causing the federal government to exert extreme caution when interfering with religious matters. Therefore, the federal government declares their involvement in faith healing illegal in order for the states to have sole jurisdiction over setting

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religious exemptions.

Yet, not all religious exemptions are granted, as laid out in the consequences and implications of the Religious Freedom Restoration Act (RFRA) signed by President Bill Clinton in 1993. RFRA was established to “ensure that interests in religious freedom are protected” (2 U.S.C. § 2000bb) by limiting government involvement in religious activities. However, an exception is included to be applied in instances of compelling government interest. “The compelling interest test, under the RFRA, [states] ‘once the plaintiff shows a substantial burden on the exercise of religion, the burden shifts to the government to demonstrate that the application of the burden furthers a compelling government interest’” (Greenwalt, 2011). Although RFRA answered some questions of the government’s legal duty in regards to religion, it also raised many more questions. For instance, what constitutes “compelling government interest?” This question is answered in a variety of forms depending on case by case analysis. In the controversy of faith healing, many believe the faith healers’ burden of free exercise of religion is “outweighed by the government’s very compelling governmental interest to stop child neglect and abuse, ensuring children do not unduly suffer” (Williams, 2014). However, the federal government has yet to claim a compelling interest and institute national laws against the practice of faith healing.

In 2001, an opportunity for federal government involvement emerged as an appeal rose to the United States Supreme Court in the case of *Nixon v. Pennsylvania*. This case further questioned the constitutionality of faith healing as applied to the First Amendment by once again putting religious expression and child welfare in opposition to one another. However, the United States Supreme Court declined a hearing. Although the federal government continues to try to remain uninvolved, cultural and religious pressures will eventually force the judicial system to a set national resolution on the legality of faith healing. Just as faith healing by the Church of the Peculiar People was restricted by cultural norms and laws, so will culture pressure the federal government to place restrictions on religious exemptions in modern society. Faith healing will either be labeled as a religious exemption in the name of the Free Exercise clause or indicted as child abuse and will create compelling government interest to merit government involvement and persecution.

CONCLUSION

The question of faith healing is not whether a parent loves their child. It is out of love that parents seek healing through rituals of prayer, anointing, and blessings. Out of love, the parents are calling on their benevolent God to preserve their child’s life (Campbell, 2010). Rather, faith healing is a question of government interest. The government is faced with the question of whether to limit religious freedom in order to require medical care for children that could potentially save their lives. Yet, “legal limits to religious freedom are often expressed by rhetorically set boundaries that are strangely unhelpful when it comes to actual cases” (Sullivan, 2005). This can be seen in the ineffectiveness of the current CAPTA, as the federal government hands faith healing over to the states’ governments.

The legality of faith healing is a controversial and complicated topic plaguing state governments within the United States. The states are looking toward the federal government for direction, yet the federal government has trepidations about becoming involved in the debate. Americans pride themselves on the separation of Church and State, yet legal cases involving faith healing force sacred and secular to interact and will eventually require federal action. Historically, the federal government has demonstrated their commitment to religious neutrality by handing the decision over to state governments. The states have handled this decision by trying

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to define religious practice as legitimate only when there is connection to a religious tradition and a level of sincerity. Yet, cultural and religious pressure seek to involve the federal government to either define faith healing as a cult of child neglect or a sacred piece of religious expression. This contention is seen in the creation of new laws that reflect the ever-shifting norms and commitments of society toward what is deemed a legitimate religion.

New religious exemptions laws are especially difficult. As federal and state governments are pressured to put these laws in place, they are challenged to define religion. Law becomes an articulation of what a culture holds as the “ideal,” including what is the ideal religion or religious practices (Cover, 1982). This will create inequality as some are granted religious exemption privileges while others are denied the same rights. If religion interacting with the state creates inequality, can there ever truly be religious freedom? As the United States Federal Government struggles to face the controversy of faith healing and answer these questions, children are dying, thus leaving society to debate who is to blame when a child dies—God or the parents.

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