

Dangerous Stories: Narrative Theory and Critique in a Post-Truth World

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[See table of contents](#)

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Article abstract

Political and legal scholars use narrative theory to study everything from the framing of policy arguments to the telling of tort tales to the construction of political consciousness. Such scholarship often relies on post-positivist theories that problematize the empirical validity of narratives. But the stories told by many recent movements in American politics—such as Christian nationalism, “the Big Lie,” and Covid-19 conspiracy theories—so distort empirical reality that they endanger liberal norms and values, not to mention human lives. Scholars who ordinarily eschew objective narrative validity may nevertheless want to critique and challenge such stories on empirical grounds. This article investigates the options available to narrative scholars studying these types of stories. First, I survey different approaches to narrative, drawn from philosophy, rhetorical studies, critical feminist theory and critical race theory. Second, I highlight the resources and strategies devised by scholars who use these approaches to analyze other empirically problematic and socially dangerous narratives, especially how they have combined post-positivist commitments with concerns for truth and justice. Finally, I make suggestions for how scholars can better study and critique the political and legal narratives associated with the Trump era.

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**SPECIAL ISSUE:
NARRATIVE AND PERSONAL AND SOCIAL
TRANSFORMATION**

**Dangerous Stories: Narrative Theory and Critique
in a Post-Truth World**

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Political and legal scholars use narrative theory to study everything from the framing of policy arguments to the telling of tort tales to the construction of political consciousness. Such scholarship often relies on post-positivist theories that problematize the empirical validity of narratives. But the stories told by many recent movements in American politics—such as Christian nationalism, “the Big Lie,” and Covid-19 conspiracy theories—so distort empirical reality that they endanger liberal norms and values, not to mention human lives. Scholars who ordinarily eschew objective narrative validity may nevertheless want to critique and challenge such stories on empirical grounds. This article investigates the options available to narrative scholars studying these types of stories. First, I survey different approaches to narrative, drawn from philosophy, rhetorical studies, critical feminist theory and critical race theory. Second, I highlight the resources and strategies devised by scholars who use these approaches to analyze other empirically problematic and socially dangerous narratives, especially how they have combined post-positivist commitments with concerns for truth and justice. Finally, I make suggestions for how scholars can better study and critique the political and legal narratives associated with the Trump era.

Keywords:

conspiracy theories, narrative validity, Trump-era narratives

INTRODUCTION

This article arose out of a puzzle that I found myself trying to solve while conducting an ethnography. From 2015 through the end of the Trump administration in 2021, I was engaged in an intensive study of Christian conservative pastors, ministry leaders, attorneys, and church members. White evangelicals and fundamentalists played a crucial role in getting Donald Trump elected and in securing a conservative majority on the U.S. Supreme Court.¹ And so I wanted to understand the stories they were telling about the purpose of law and government, the nature of American constitutional history, and their goals for the judicial system. My goal was not to fact-check or evaluate the truth of the statements I heard in my interviews and observations. Instead, I sought to connect Christian conservative ideas *backward* to the larger narratives that helped make sense of them and *forward* to the anti-liberal and anti-democratic trends and events that marked the end of the Trump presidency, such as resistance to COVID-19 regulations, the “Stop the Steal” movement, and the events of January 6.

But I ran into a problem. As I sat talking with Christian conservatives and observing church services, conferences, and speeches, I noticed again and again that many of their stories were based on demonstrably false factual premises. These false premises and the misleading stories that resulted led Christian conservatives to draw conclusions about a variety of socially and politically dangerous actions—everything from anti-LGBTQ legislation to COVID denialism to January 6. Analyzing and critiquing these

¹ See, e.g., Jessica Martinez and Gregory A. Smith, “How the Faithful Voted: A Preliminary 2016 Analysis,” *Facttank: News in the Numbers*, Washington, D.C.: Pew Research Center, November 9, 2016, <https://www.pewresearch.org/fact-tank/2016/11/09/how-the-faithful-voted-a-preliminary-2016-analysis/>; Harry Farley, “Evangelicals and the Supreme Court: Why it May Have Swung the Election,” *Christian Today*, last modified June 25, 2018, <https://www.christiantoday.com/article/evangelicals-and-the-supreme-court-why-it-may-have-swung-the-election/100314.htm>; Sarah P. Bailey, “White Evangelicals Voted Overwhelmingly for Donald Trump, Exit Polls Show,” *Washington Post*, last modified June 25, 2018, <https://www.washingtonpost.com/news/acts-of-faith/wp/2016/11/09/exit-polls-show-white-evangelicals-voted-overwhelmingly-for-donald-trump/>; Ruth Graham, “For Right-Wing Evangelicals, Kennedy’s Retirement Is Triumphant Vindication for Their Support of Trump,” *Slate.com*, last modified June 29, 2018, <https://slate.com/human-interest/2018/06/for-right-wing-evangelicals-anthony-kennedys-retirement-is-triumphant-vindication-for-their-support-of-trump.html>; Ruth Graham, “How Christian Conservatives Are Reacting to Trump’s Supreme Court Pick,” *Slate.com*, last modified July 26, 2018, <https://slate.com/news-and-politics/2018/07/brett-kavanaugh-nomination-the-religious-right-reacts.html>.

stories was crucial to my ethnography, the whole point of which was to understand how Christian conservative political and legal motivations were connected to larger theological, social, political, and legal narratives that undermined liberal democracy.

Narrative theory itself, though, seemed to stand in the way of this critique. The theories I was using to make sense of Trump-era Christian conservative activism—largely constructivist, post-positivist narrative theories—seemed to deny that social narratives could be empirically investigated at all. These theories were operating from within a worldview that saw human identity and reality as narratively constructed and that saw narratives themselves as contingent products of particular human situations from which it was nearly impossible to abstract generalizable data and objective conclusions. This article explains how I solved this puzzle. I explored both narrative theory itself and the way it has been employed by other scholars researching other “dangerous stories,” including Critical Race Theory (CRT) and Critical Feminist Theory (FemCrit) scholarship and more empirical socio-legal scholarship. In the process, I uncovered a variety of resources for evaluating socially harmful narratives and holding social actors like Christian conservatives accountable for the dangers their stories pose. These resources enabled me—and I hope they can enable other narrative scholars—to critique dangerous stories without abandoning or violating the central constructivist tenets of narrative theory itself.

THE PROBLEM OF TRUTH AND TRUMP-ERA CHRISTIAN CONSERVATIVE NARRATIVES

Before exploring narrative theory and the resources I discovered for evaluating Trump-era Christian conservative narratives, I want to be clear about the particular details of those narratives themselves, and what was empirically problematic and socially dangerous about those narratives. Christian nationalism was one of the backward-looking narratives underlying the Christian conservative ideas I was investigating in my ethnography. I heard lots of stories that linked the American founding to faith and divine intervention. One story in particular was repeated by two of my respondents and accepted without any apparent murmur of skepticism by two large crowds of Christian conservatives. It was basically a story of how the Constitutional convention was on the verge of dissolve into faction and disagreement when Benjamin Franklin—of all people—

called the convention to prayer and asked for God to help the delegates come to agreement. Both of my respondents agreed that Franklin's call to prayer stopped the convention for a good chunk of time, whether it was hours or days. One of them said that the convention took a three-day break to go to a nearby church to listen to preaching and to pray. And the respondents agreed that the delegates' time in prayer changed the course of the convention because their prayers were answered as they began to reach compromises and eventually produced the Constitution. This story is apocryphal at best and historically debunked at worst: No evidence exists that the sermon and the prayer was seen or heard by the delegates or had any effect whatsoever on the convention deliberations.²

This is just one example, but historical claims like these have been widely popularized within the Christian conservative community, especially by David Barton, whose books and website were quite popular among my respondents. Despite any training or expertise beyond a bachelor's degree in Christian education, Barton's self-published books and films have somehow become one of the main historical gurus of the Christian right, influencing major politicians, pastors, and laypersons.³ His books and films are a jumble of out of context quotations and weak historical inferences attempting to demonstrate that the founders were deeply committed Bible-believing Christians and that the nation itself was founded on biblical principles.⁴

2 The story of Franklin's intervention and the prayers that followed it, says legal scholar Steven Green, "was a work of fiction...[p]roviding a narrative that people yearned to hear," namely that "God's providential hand had led the delegates in forming the union." Steven K. Green, *Inventing a Christian America: The Myth of the Religious Founding* (Oxford University Press, 2015), 215-16. The story of Franklin's intervention originated in an 1826 letter containing double hearsay. While a contemporaneous letter by one convention delegate seems to corroborate part of the account, letters by other contemporaries, including Franklin himself and James Madison, contradicted several key details, concluding that the delegates considered prayers unnecessary. The occasion for the 3-day break and the church service was actually the 4th of July holiday. Green, *Inventing a Christian America*; William Rogers, Ashbel Green, and the State Society of the Cincinnati of Pennsylvania, "An Oration, Delivered July 4, 1789 at the Presbyterian Church in Arch Street, Philadelphia," *Early American Imprints*, First Series, No. 22120 (Philadelphia, PA: T. Dobson, 1789). For a refutation of a similar claim, see William Throckmorton, "The 1787 Constitutional Convention — An Independence Day Oration in Philadelphia," *wthrockmorton.com* (blog), July 4, 2017, <https://www.wthrockmorton.com/2017/07/04/independence-day-oration-philadelphia/>.

3 Katherine Stewart, *The Power Worshipers: Inside the Dangerous Rise of Religious Nationalism* (Bloomsbury Publishing, 2019), 127; Steven K. Green, *Inventing a Christian America: The Myth of the Religious Founding* (Oxford University Press, 2015), 6.

4 Stewart, *The Power Worshipers*, 127; Green, *Inventing a Christian America*, 6; Garrett Epps, "Genuine Christian Scholars Smack Down an Unruly Colleague," *The Atlantic*,

Barton's questionable scholarship and outright deception has been debunked persuasively by many critics over the years.⁵ Put simply, Barton has no credibility as a historian or even as a truth teller, and there is simply no reason to take any of his historical claims seriously.

False narratives like the ones Barton peddles about the Christian basis of the American founding were not just peripheral to my respondents' views about the history of American government and law. I came to believe that these false narratives were central to their sense of what was wrong with

August 10, 2012, <https://www.theatlantic.com/national/archive/2012/08/genuine-christian-scholars-smack-down-an-unruly-colleague/260994/>; Barbara Bradley Hagerty, "The Most Influential Evangelist You've Never Heard of," NPR (website), August 8, 2012, <https://www.npr.org/2012/08/08/157754542/the-most-influential-evangelist-youve-never-heard-of>. For examples of Barton's work, see David Barton, *Original Intent: The Courts, the Constitution and Religion* (Wallbuilder Press, 2008); David Barton, *Separation of Church and State: What the Founders Meant* (Wallbuilder Press, 2007); *America's Godly Heritage* (Wallbuilder Press, 1993); David Barton, *The Myth of Separation* (Wallbuilder Press, 1992).

⁵ For example, History News Network's readers once voted one of his books "the least credible history book in print." Epps, "Genuine Christian Scholars Smack Down an Unruly Colleague." The biblical citations in one of Barton's recent books on the founding were checked by NPR News's All Things Considered staff and "not one of them checked out." Hagerty, "The Most Influential Evangelist You've Never Heard of." Even some honest Christian conservative intellectuals have documented his many errors, omissions, and outright lies. See, for example, Boston, "Sects, Lies, and Videotape"; Epps, "Genuine Christian Scholars Smack Down an Unruly Colleague"; Harvey, "David Barton: Falling From Grace" (containing links to scholarship debunking Barton's book *The Jefferson Lies*); "Barton's Faulty Scholarship," Texas Freedom Network (website), accessed April 29, 2021, <https://tfn.org/david-barton-watch/bartons-faulty-scholarship/> (containing links to scholarship and commentary debunking many of Barton's writings); Hagerty "The Most Influential Evangelist You've Never Heard of"; John Fea, "David Barton is Going to Call Me Out," Current (blog), August 30, 2016, <https://currentpub.com/2016/08/30/david-barton-is-going-to-call-me-out/>; William Throckmorton and Michael Coulter, *Getting Jefferson Right: Fact-Checking Claims About our Third President* (Salem Grove Press, 2012); See also William Throckmorton, "Category: David Barton," WilliamThrockmorton.com (blog), accessed June 11, 2021, <https://www.wthrockmorton.com/category/david-barton-2/>; Lynn Garrett, "Nelson Pulls Thomas Jefferson Book," Publishers Weekly, August 10, 2012, <https://www.publishersweekly.com/pw/by-topic/industry-news/religion/article/53512-nelson-pulls-thomas-jefferson-book.html>. For summaries of the controversy surrounding Barton's work, which include not only faulty methodology but also stunning acts of intellectual dishonesty that led one of the most influential publishers to pull one of his titles, see, for example, Stewart, *The Power Worshipers*, 129-35; Rob Boston, "Sects, Lies, and Videotape," *Church & State* 46(4): 8-12 (1993); Epps, "Genuine Christian Scholars Smack Down an Unruly Colleague"; Paul Harvey, "David Barton: Falling From Grace," Religion Dispatches (blog), August 15, 2012, <https://religiondispatches.org/david-barton-falling-from-grace/> (containing links to scholarship debunking Barton's book *The Jefferson Lies*); "Barton's Faulty Scholarship," Texas Freedom Network (website), accessed April 29, 2021, <https://tfn.org/david-barton-watch/bartons-faulty-scholarship/> (containing links to scholarship and commentary debunking many of Barton's writings).

the nation and what needed to be put right again. For example, one of the most common criticisms leveled against the judicial branch by the Christian conservatives I spoke with was that the Supreme Court in the 1960s actively rejected the leadership of God over the nation by striking down public school prayer and other religious symbols.⁶ “It just was a series of dominoes that have continued to fall since” then, one southern California pastor told me. Many other Christian conservatives I spoke with—ranging from working class fundamentalist church-goers with high school educations to the most highly trained lawyers and law professors—repeated the Barton-esque story of American decline as if it were a creed they had memorized, adding juvenile delinquency, school shootings, the sexual revolution, the growth in devotion to Eastern religions, no-fault divorce and the decline of marriage to the parade of horrors that supposedly followed the Supreme Court’s decisions removing prayer and other related things from public schools.

Of course, this story makes no sense. The only fact connecting Supreme Court school prayer and related decisions to any of these calamities is the meaningless chronological fact that some bad things happened afterwards, an obvious instance of the post hoc, propter hoc logical fallacy.⁷ Moreover, on a factual level, some of the negative trends cited by Christian conservatives as evidence of the propter hoc part of the fallacy, such as the teen pregnancies⁸ and juvenile delinquencies,⁹ appear to

6 See, for example *Engel v. Vitale*, 370 U.S. 421 (1962).

7 By this same logic, we could “just as well...blame[] the Beach Boys, who also happened to make it big in 1962” for the decline of American greatness. Katherine Stewart, *The Power Worshipers: Inside the Dangerous Rise of Religious Nationalism* (New York: Bloomsbury Publishing, 2019), 130.

8 The percentage of teenage pregnancies in the U.S. actually peaked in 1957, 5 years before Engel, and it has dropped fairly steadily since then to a current all-time low. See Gretchen Livingston and Deja Thomas, “Why is the Teen Birth Rate Falling?” Pew Research Center (website), August 7, 2019, <https://www.pewresearch.org/fact-tank/2019/08/02/why-is-the-teen-birth-rate-falling/>.

9 It is difficult to verify the claim that “juvenile delinquency” rose after 1962, because the term is a general one that can include everything from skipping school to shoplifting to violent crime, and because societal perceptions and responses to it have shifted so dramatically over time. It seems fair to say that the overall crime rate did increase in the 1960s, and that increase did involve a good number of minors committing crimes. See, for example, M. Eisner, “Long-Term Historical Trends in Violent Crime,” *Crime and Justice* 30 (2003):83-142; M. Eisner, “Modernity Strikes Back? A Historical Perspective on the Latest Increase in Interpersonal Violence 1960-1990,” *International Journal of Conflict and Violence* 2:288-316 (2008). But it is also clear that there were already significant fears of juvenile violence in the 1950s. See, for example, Jason Barnosky, “The Violent Years: Responses to Juvenile Crime in the 1950s,” *Polity* 38(3)(2006):

have risen and peaked quite independently of the historical time period fixated upon by Christian conservatives.

This pattern of believing false narratives showed itself again and again in my fieldwork with Christian conservatives, even in more contemporary discussions about religious freedom, where the Supreme Court is again falsely cast as the anti-Christian villain, intent on turning the nation away from its Godly identity. One pastor, for example, drew a direct line between the Supreme Court’s ruling in *Obergefell*¹⁰ and the lawsuit against Jack Phillips, which culminated in the *Masterpiece Cakeshop* decision.¹¹ The pastor said that *Obergefell* was an “insane, non-constitutional ruling” that created “an environment...where a baker is being sued and put out of business because of his faith.” The claim that *Obergefell* constitutional protection of same-sex marriage led to *Masterpiece Cakeshop* and to the other Christian wedding vendor cases¹² is demonstrably false. None of these vendors were fined, disciplined, sued, or otherwise brought before the law for refusing to recognize the constitutional right of same-sex couples to marry under *Obergefell*, or for violating any other court ruling. In fact, the charges or lawsuits in each of these cases were filed long before 2015, under state statutes predating *Obergefell* by many years,¹³ in most cases before

314-44. Moreover, juvenile arrests peaked in the 1990s, even though *Engel* is still good law. See “Juvenile Arrest Rate Trends,” Office of Juvenile Justice and Delinquency Prevention: Statistical Briefing Book (website), accessed June 15, 2021, https://www.ojjdp.gov/ojstatbb/crime/JAR_Display.asp?ID=qa05201. See, for example, National Research Council, et al, *Reforming Juvenile Justice: A Developmental Approach* (Washington, D.C.: National Academies Press, 2013), 31-48.

10 *Obergefell v. Hodges*, 576 U.S. 644 (2015) (overturning state laws restricting marriage licenses to one man and one woman as unconstitutional).

11 *Masterpiece Cakeshop, Ltd., et al v. Colorado Civil Rights Commission*, 584 U.S., 138 S. Ct. 1719 (2018) (reversing a fine imposed by a state on the Christian owner of a bakery who refused to design and make a wedding cake for a same-sex couple).

12 See *Washington v. Arlene’s Flowers*, 441 P.3d 1203 (Wash. 2019), cert. denied 594 U.S. (2021); *Elane Photography v. Willock*, 284 P.3d 428 (N.M. Ct. App, 2012); *Elane Photography v. Willock*, 309 P.3d 53 (N.M. 2013); *Klein v. Oregon Bureau of Labor and Industries*, 410 P.3d 1051 (OR Ct. App 2017), vacated and remanded for reconsideration in light of *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 584 U.S., 138 S. Ct. 1719 (2018).

13 *Masterpiece Cakeshop*, 138 S.Ct. at 1724-26 (noting that the proceedings were based on facts that occurred in 2012 and public accommodations law amended in 2007 and 2008); *Elane Photography v. Willock*, 284 P.3d 428, 433 (N.M. Ct. App, 2012) (noting that the proceedings were based on facts that occurred in 2006); *Elane Photography v. Willock*, 309 P.3d 53, 59 (N.M. 2013) (noting that proceedings were brought under state public accommodations law amended in 2003); *Klein*, 410 P.3d at 1057, 1061-62 (noting that proceedings were based on facts that occurred in 2013 and public accommodations law amended in 2007); *Arlene’s Flowers*, 441 P.3d at 1210- 11, citing Revised Code of Washington, Sec. 49.60.215(1) (noting that proceedings were brought in 2013 based on Washington public accommodations law); “Guide to Sexual Orientation

same-sex marriage was legal in the state.¹⁴

These are just two examples of a much larger pattern of false narratives believed and told by Christian conservatives. These false Christian nationalist and religious freedom narratives may seem innocuous enough when considered in isolation. But these narratives have a cumulative effect on Christian conservative culture and community, leading pastors and laypeople alike to catastrophize the historical moment to the point where they believe they are in a life and death struggle with godless authoritarian secularists, bent on ruining American identity and driving Christians from public life.

This catastrophizing narrative trend culminated, of course, in enthusiastic Christian conservative support for arguably two of the most dangerous social and political narratives circulated in the nation's history: narratives associated with the COVID-19 pandemic, and the "stop the steal" movement that led to the events of January 6. During the coronavirus

and Gender Identity and the Washington State Law Against Discrimination," Washington State Human Rights Commission, accessed August 5, 2021, <https://www.hum.wa.gov/sites/default/files/public/publications/Updated%20SO%20GI%20Guide.pdf>, 2 (stating that Revised Code of Washington, Sec. 49.60 was amended in 2006 to prohibit discrimination in public accommodations on the basis of sexual orientation).

¹⁴ Same-sex marriage was legally recognized by Colorado in 2014 (Heather Draper, "AG Suthers: Supreme Court Decision Clears Way for Gay Marriage in Colorado," Denver Business Journal, October 6, 2014, 15 https://www.bizjournals.com/denver/blog/finance_etc/2014/10/ag-suthers-supreme-court-decision-clears-way-for.html) by New Mexico in 2013 ("New Mexico Supreme Court Affirms Marriage Rights," Albuquerque Journal, December 19, 2013, <https://www.abqjournal.com/323346/nm-supreme-court-affirms-same-sex-marriage-right.html>), by Oregon in 2014 (Jeff Mapes, "Oregon Gay Marriage Ban Struck Down by Federal Judge; Same-sex Marriages to Begin," The Oregonian, May 19, 2014, https://www.oregonlive.com/mapes/2014/05/oregon_gay_marriage_ban_struck.html), and by Washington in 2012. The Arlene's Flowers case was the only wedding vendor case that was brought after same-sex marriage was legalized in the state. See Lornet Turnbull, "Gregoire Signs Gay Marriage into Law," Seattle Times, February 14, 2012, http://seattletimes.com/html/localnews/2017497028_gaymarriage14m.html. But that legalization was not done through a court decision; it was done through a legislative statute. Turnbull, "Gregoire Signs Gay Marriage into Law." At any rate, the case against Elane's Flowers had nothing to do with whether gay marriage was legal: like the other cases, it was based on a statute that had outlawed sexual orientation discrimination in public accommodations since 2006. Arlene's Flowers, 441 P.3d at 1210-11, citing Revised Code of Washington, Sec. 49.60.215(1) (noting that proceedings were brought in 2013 based on Washington public accommodations law); "Guide to Sexual Orientation and Gender Identity and the Washington State Law Against Discrimination," Washington State Human Rights Commission, accessed August 5, 2021, <https://www.hum.wa.gov/sites/default/files/public/publications/Updated%20SO%20GI%20Guide.pdf>, 2 (stating that Revised Code of Washington, Sec. 49.60 was amended in 2006 to prohibit discrimination in public accommodations on the basis of sexual orientation).

pandemic, many Christian conservatives interpreted state and local restrictions on large gatherings as assaults on their freedom of worship, and many downplayed or refused to see these COVID restrictions and even COVID vaccines as based on scientific facts regarding the ongoing public health crisis.¹⁵ They chose to see these things instead as part of a different and more sinister crisis: the crisis of Christian conservative resistance to post-Christian governing authorities intent on silencing their worship.¹⁶

And during and after the 2020 election controversy, Christian conservatives clung to the easily refutable lies told by Trump and his allies that election had been stolen or rigged,¹⁷ in many cases discussing the dangers of the Biden administration in conspiratorial and apocalyptic terms.¹⁸ Christian conservative lawyers worked alongside other members of the Trump political and legal team to advance and defend Trump's baseless legal arguments challenging the integrity of the work of local elections officials and members of Congress in the 2020 Presidential election.¹⁹ And

15 Monique Deal Barlow, "Christian Nationalism is a Barrier to Mass Vaccination Against Covid-19," *The Conversation* (blog), April 1, 2021, <https://theconversation.com/christian-nationalism-is-a-barrier-to-mass-vaccination-against-covid-19-158023>; Sarah McCammon, "Evangelical Doctors' Group Pleads With Churches to Stay Home," NPR (website), November 19, 2020, <https://www.npr.org/sections/coronavirus-live-updates/2020/11/19/936857525/evangelical-doctors-group-pleads-with-churches-to-stay-home>.

16 Adam R. Shapiro, "Are Pandemic Protests the Newest Form of Science-Religion Conflict?" *Religion & Politics* (blog), July 14, 2020, <https://religionandpolitics.org/2020/07/14/are-pandemic-protests-the-newest-form-of-science-religion-conflict/>.

17 White evangelicals were "the only religious group in the U.S. among whom a majority believes the 2020 election was stolen." PRRI Staff, "The 'Big Lie': Most Republicans Believe the 2020 Election was Stolen," Public Religion Research Institute (website), May 12, 2021, <https://www.prii.org/spotlight/the-big-lie-most-republicans-believe-the-2020-election-was-stolen/>.

18 See, for example, Elizabeth Dias and Ruth Graham, "Christian Conservatives Respond to Trump's Loss and Look Ahead," *New York Times*, November 8, 2020, <https://www.nytimes.com/2020/11/08/us/trump-evangelicals-biden.html>.

19 "432,000 Votes Removed!" *Liberty Counsel* (website), Jan. 5, 2021, <https://lc.org/newsroom/details/20210105432000-pa-trump-votes-removed> (detailing the efforts of Liberty Counsel to challenge election results); Jon Swaine, Rosalind S. Helderman, Josh Dawsey and Tom Hamburger, "Conservative Nonprofit Group Challenging Election Results Around the Country has Tie to Trump Legal Adviser Jenna Ellis," *Washington Post*, Dec. 7, 2020, https://www.washingtonpost.com/politics/thomas-more-jenna-ellis/2020/12/07/09057432-362d-11eb-b59c-adb7153d10c2_story.html (detailing the work of Thomas More Society and Christian conservative lawyer Jenna Ellis to overturn the election results in court); Katherine Stewart, "OPINION: The Roots of Josh Hawley's Rage: Why do so Many Republicans Appear to be at War with Both Truth and Democracy?" *New York Times*, Jan. 11, 2021, <https://www.nytimes.com/2021/01/11/opinion/josh-hawley-religion-democracy.html> (describing how the Conservative Action Project, "which serves as a networking organization for America's

Christian conservative legal groups were right at the epicenter of these efforts.²⁰ Multitudes of Christian conservative pastors, leaders, and lay

religious and economic right-wing elite” called on Congress to refuse to accept the Electoral College results); “Conservatives Call on State Legislators to Appoint New Electors, In Accordance with the Constitution,” Conservative Action Project (website), Dec. 10, 2020, <http://conservativeactionproject.com/conservatives-call-on-state-legislators-to-appoint-new-electors-in-accordance-with-the-constitution/> (illustrating the Conservative Action Project’s efforts to encourage state officials to appoint new electors); Reuters Staff, “Factbox: Giuliani and the Lawyers Behind Trump’s Efforts to Overturn Election Results,” Reuters (website), November 18, 2020, <https://www.reuters.com/article/us-usa-election-trump-lawyers-factbox/factbox-giuliani-and-the-lawyers-behind-trumps-efforts-to-overturn-election-results-idUSKBN27Z086> (describing the election 2020 legal work of Jenna Ellis, “[a] senior legal adviser to the Trump election campaign and personal attorney to Trump...an evangelical,” and “the author of the 2015 book, ‘The Legal Basis for a Moral Constitution,’ a guide for Christians”); Mark Wingfield, “Meet the Evangelical Trump Truthers: Eric Metaxas and Jenna Ellis,” Baptist News Global (website), December 10, 2020, <https://baptistnews.com/article/meet-the-evangelical-trump-truthers-jenna-ellis-and-eric-metaxas/#.YQG-C45KhRZ> (providing details about Jenna Ellis’s role as a Trump legal advisor and describing her Christian conservative background and beliefs); Mark Maremont and Corinne Ramey, “How Jenna Ellis Rose From Traffic Court to Trump’s Legal Team: The 36-year-old’s Career Includes Six Months as a Local Prosecutor and a Book Interpreting the Constitution Through a Biblical Lens,” Wall Street Journal, Dec. 3, 2020, <https://www.wsj.com/articles/how-jenna-ellis-rose-from-traffic-court-to-trumps-legal-team-11607038900>; Jon Swaine, Rosalind S. Helderman, Josh Dawsey and Tom Hamburger, “Conservative Nonprofit Group Challenging Election Results Around the Country has Tie to Trump Legal Adviser Jenna Ellis,” Washington Post, Dec. 7, 2020, https://www.washingtonpost.com/politics/thomas-more-jenna-ellis/2020/12/07/09057432-362d-11eb-b59c-adb7153d10c2_story.html; Mark Wingfield, “Meet the Evangelical Trump Truthers: Eric Metaxas and Jenna Ellis,” Baptist News Global (website), December 10, 2020, <https://baptistnews.com/article/meet-the-evangelical-trump-truthers-jenna-ellis-and-eric-metaxas/#.YQG-C45KhRZ> (providing details about Jenna Ellis’s role as a Trump legal advisor and describing her Christian conservative background and beliefs); Aaron Blake, “Trump’s Legal Team Lights a Fuse Beneath its Remaining Credibility,” Washington Post, November 19, 2020, <https://www.washingtonpost.com/politics/2020/11/19/trumps-legal-team-lights-fuse-beneath-its-remaining-credibility/>.

²⁰ The Thomas More Society filed lawsuits in Arizona, Georgia, Michigan, Pennsylvania and Wisconsin alleging problems with the vote in those states. Swaine, Helderman, Dawsey, and Hamburger, “Conservative Nonprofit Group Challenging Election Results.” Liberty Counsel announced on its website, “[e]very day that passes, more information and evidence reveal the way in which the 2020 U.S. election was stolen from the American people.” “432,000 Votes Removed!” *Liberty Counsel* (website), Jan. 5, 2021, <https://lc.org/newsroom/details/20210105432000-pa-trump-votes-removed>. After repeating several clearly debunked lies about “all other candidates vote tallies...going up,” while “President Trump’s votes mysteriously were going down,” Liberty Counsel bragged that “[o]ne of our attorneys was on the ground in Pennsylvania and we have staff members collecting evidence and doing in-depth research.” “432,000 Votes Removed!” And the Conservative Action Project, “which serves as a networking organization for America’s religious and economic right-wing elite,” Stewart. “The Roots of Josh Hawley’s Rage,” called on members of the Senate to ‘contest the electoral votes’ from battleground states based on Trump’s baseless claims. The signatories

people supported these efforts to overturn the legitimate results of the 2020 election, including many of the respondents I interviewed or observed for my research. Some of them who are attorneys signed their names to affidavits and other court documents, in which they vouched for or made factual claims that were clearly not grounded in fact—claims concerning late night ballot dumps, ballots being run through tabulators multiple times, suitcases of fraudulent ballots being hidden under counting tables, and Dominion voting machines being controlled by foreign entities. Some of my respondents who were not attorneys nevertheless passed on misinformation about the above claims on social media, and on their blogs and podcasts. Many Christian conservatives, including some of my respondents, pressured local officials in places like Pennsylvania and Michigan, as well as the vice president and members of the U.S. Congress, to override manifest wishes of the majority of voters, based on easily refutable lies about the conduct of the election.²¹

included many leaders and representatives of Christian conservative political and legal organizations, including the Family Research Council, Family Alliance, Eagle Forum, American Association of Evangelicals, Conservatives of Faith, Phillis Schlafley Eagles, Faith Wins, Christian Coalition, American Values, and Priests for Life. “Conservatives Call on State Legislators to Appoint New Electors, In Accordance with the Constitution,” *Conservative Action Project* (website), Dec. 10, 2020, <http://conservativeactionproject.com/conservatives-call-on-state-legislators-to-appoint-new-electors-in-accordance-with-the-constitution/>.

21 See Daniel A. Cox, “Rise of Conspiracies Reveals an Evangelical Divide in the GOP,” *Survey Center on American Life* (website), February 12, 2021, <https://www.americansurveycenter.org/rise-of-conspiracies-reveal-an-evangelical-divide-in-the-gop/>; Sarah Posner, “How the Christian Right Helped Foment Insurrection,” *Rolling Stone*, January 31, 2021, <https://www.rollingstone.com/culture/culture-features/capitol-christian-right-trump-1121236/amp/>; Harry Bruinius, “Will Election Become a New ‘Lost Cause’ for Evangelical Conservatives?” *The Christian Science Monitor*, December 16, 2020, <https://www.csmonitor.com/layout/set/amphtml/USA/Politics/2020/1216/Will-election-become-a-new-lost-cause-for-evangelical-conservatives>; Jason Lemon, “Pro-Trump Author Eric Metaxas Calls Deniers of 2020 Election Fraud ‘Enemies of This Country,’” *Newsweek*, April 18, 2021, <https://www.newsweek.com/pro-trump-author-eric-metaxas-calls-deniers-2020-election-fraud-enemies-this-country-1584527?amp=1>; Mark Leuchter, “Why Mike Lindell and the Majority of White Evangelicals Can’t Give up on ‘the Big Lie,’” *Religion Dispatches* (blog), June 9, 2021, <https://religiondispatches.org/why-mike-lindell-and-the-majority-of-white-evangelicals-cant-give-up-the-big-lie/>. For example, to many Christian conservatives, Pennsylvania Secretary of State, Brad Raffensperger became a villain because he certified the elections results that Christian conservatives believed, falsely, were rigged. See, for example, Fausset and Saul, “Georgia’s Close Elections Sent Republicans After a Republican”; Cillizza, “How This Republican Official Became the Most Hated Man in His Party.” The same is true of lawmakers in Pennsylvania, and of local election officials in Michigan, both of which were pilloried by Christian conservatives failing to accept the Trump campaign’s lies about the deep state’s efforts to steal the election. See, for example, Tesfaye, “A New #Resistance Hero Emerges Amid the Trump Endgame: The Dutiful Public Servant” (quoting Trump’s tweet praising the “courage” of

These aggressive Christian nationalist efforts to upend the clear results of a democratic election culminated in the Capitol sedition²² of January 6. While in the chaos of that day it was sometimes hard to tell who if anyone was actually in charge, overtly “Christian rituals, symbols and language” were visually and thematically central.²³ In the days leading up to January 6, a group called the “Jericho March” imitated the actions of the Israelites recounted in Joshua 6:1- 27 by marching around the U.S. Capitol seven times, asking God to intervene and stop the lawful election of Joe Biden.²⁴ Unlike in the Bible, God himself did not cause the walls to crumble and fall. That was left to human beings and non-too-biblical groups like the Proud Boys and adherents of the Q-

two Republican members of the Wayne County, Michigan Board of Canvassers, who voted not to certify the results of the Presidential election in Detroit and also expressing admiration for local elections officials and Trump administration officials who were “willing to sacrifice their positions to speak truth to power”); Diamond, “Trump Invites Pennsylvania GOP Lawmakers to White House After Calling in to Baseless Voter Fraud Event.”

22 I use the word “sedition” here in its technical legal sense. Federal law defines the crime of “seditious conspiracy” as when “two or more persons...conspire...by force [among other things] to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof....” 18 U.S.C. 2384. At the time of the invasion of the capitol building, the U.S. Congress was executing its duty under the Twelfth Amendment of the U.S. Constitution and the Electoral Count Act, 3 U.S.C. 15, by engaging in the process of counting electoral college votes, and the invasion was apparently carried out for the purpose of stopping that counting. See, for example, Julian Borger, “Insurrection Day: When White Supremacist Terror Came to the US Capitol,” *The Guardian*, Jan. 9, 2021, <https://www.theguardian.com/usnews/2021/jan/09/us-capitolinsurrection-white-supremacist-terror>

23 Dias and Graham, “How White Evangelical Christians Fused with Trump Extremism”; Emma Green, “A Christian Insurrection: Many of Those who Mobbed the Capitol on Wednesday Claimed to be Enacting God’s Will,” *The Atlantic*, Jan. 8, 2021, <https://www.theatlantic.com/politics/archive/2021/01/evangelicals-catholics-jericho-march-capitol/617591/>; Sarah Posner, “How the Christian Right Helped Foment Insurrection,” *Rolling Stone*, January 31, 2021, <https://www.rollingstone.com/culture/culture-features/capitol-christian-right-trump-1121236/amp/>; Thomas B. Edsall, “The Capitol Insurrection was as ‘Christian Nationalist’ as it Gets,” *The New York Times*, January 28, 2021, <https://www.nytimes.com/2021/01/28/opinion/christian-nationalists-capitol-attack.html>; Katherine Stewart, “Network of Christian Nationalism Leading up to January 6,” in *Christian Nationalism and the January 6, 2021 Insurrection*, a report of the Baptist Joint Committee for Religious Liberty and the Freedom From Religion Foundation, February 9, 2022, available at <https://bjconline.org/wp-content/uploads/2022/02/Christian-Nationalism-and-the-Jan6-Insurrection-2-9-22.pdf>; Andrew L. Seidel, Events, People, and Networks Leading up to January 6,” in *Christian Nationalism and the January 6, 2021 Insurrection*; Andrew L. Seidel, Attack on the Capitol: Evidence of the Role of White Christian Nationalism,” in *Christian Nationalism and the January 6, 2021 Insurrection*.

24 Green, “A Christian Insurrection”; David French, “Only the Church Can Truly Defeat a Christian Insurrection: It’s Time to Combat the Right’s Enabling Lies,” *The Dispatch: The French Press*, Jan. 10, 2021, <https://frenchpress.thedispatch.com/p/only-the-church-can-truly-defeat>.

Anon conspiracy. But, “[b]efore...the Proud Boys marched toward the U.S. Capitol...they stopped to kneel in the street and prayed in the name of Jesus...for God to bring “reformation and revival,” and they invoked the divine protection for what was to come.²⁵ “It’s all in the Bible,” said one man in the crowd marching down Pennsylvania Avenue toward the capitol: “Everything is predicted. Donald Trump is in the Bible. Get yourself ready.”²⁶ Indeed, “the conflation of Trump and Jesus was a common theme at the rally. ‘Give it up if you believe in Jesus!’” one man yelled to the cheering crowd; “‘Give it up if you believe in Donald Trump!’” brought even “louder cheers.”²⁷ Mixing with those cheers, according to at least one account, “Christian music was blaring from the loudspeakers.”²⁸

Several crosses mingled with QAnon conspiracy talk, Confederate flags and anti-Semitic symbols and messages carried into the capitol building that day by insurrectionists attempting to stop the constitutional counting of electoral college votes.²⁹ One white cross declared “Trump won” in all capitals.³⁰ The capitol invaders also carried several Christian flags and a huge “Jesus 2020” banner into the building.³¹ “Jesus Saves” banners were prominent in the crowd outside, as were several signs quoting various Bible passages, and at least one sign read, “Jesus is my Savior. Trump is my President.”³²

Some of my own respondents were part of this Christian conservative mob that day. None of whom I am aware actually entered the capitol building, but they defended or minimized the actions of those who did enter the building, claiming that they were acting under divine orders.

25 Dias and Graham, “How White Evangelical Christians Fused with Trump Extremism.”

26 [Jeffrey Goldberg](#), “Mass Delusion in America: What I heard from Insurrectionists on their March to the Capitol,” *The Atlantic*, January 6, 2021, <https://www.theatlantic.com/politics/archive/2021/01/among-insurrectionists/617580/>.

27 [Goldberg](#), “Mass Delusion in America”; Green, “A Christian Insurrection.”

28 French, “Only the Church Can Truly Defeat a Christian Insurrection.”

29 Dias and Graham, “How White Evangelical Christians Fused with Trump Extremism”; French, “Only the Church Can Truly Defeat a Christian Insurrection.”

30 Dias and Graham, “How White Evangelical Christians Fused with Trump Extremism.”

31 Dias and Graham, “How White Evangelical Christians Fused with Trump Extremism”; Gina Ciliberto and Stephanie Russell-Kraft, “They Invaded the Capitol Saying ‘Jesus is my Savior. Trump is my President,’” *Sojourners*, Jan. 6, 2021, <https://sojo.net/articles/they-invaded-capitol-saying-jesus-mysavior-trump-my-president>; French, “Only the Church can Truly Defeat a Christian Insurrection.”

32 Ciliberto and Russell-Kraft, “They Invaded the Capitol Saying ‘Jesus is my Savior. Trump is my President’”; Green, “A Christian Insurrection.”

Still others of my respondents falsely claimed that Christian conservative engaged in no violence and no law-breaking at all that day, saying that Christians were only there to pray and that members of antifa or the deep state perpetrated anything bad that happened on January 6.

NARRATIVE THEORY AND THE CONSTRUCTION OF INDIVIDUAL, POLITICAL, AND LEGAL IDENTITY

My main goal in listening to these Christian conservative claims about American history, Supreme Court decisions, and pandemic restrictions and the 2020 election has not primarily been to refute them. My main goal has been to analyze the narrative devices and themes that helps make sense of them. In this I was following the lead of scholars in many disciplines, including philosophy, sociology, and psychology, who have sought to use and study the ways people explain their actions to themselves and to others.³³

Narratives and human identity

The “stories people tell about themselves and their lives both constitute and interpret those lives.”³⁴ Rather than offering “categorical principles, rules, or reasoned arguments,” to explain their actions, “people tend to describe, account for, and perhaps relive their activities through narratives: sequences of statements connected by both a temporal and a moral ordering.”³⁵ Narratives have certain elements or features that are different from other forms of discourse, such as chronicles or scientific reports. First, narratives selectively appropriate past events and characters. Second, narratives temporally order these events and characters into beginnings, middles, and ends. Third, narratives relate these events and characters to one another and to some overarching structure, also known as a “plot.” The plot

33 Patricia Ewick and Susan S. Silbey, “Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative,” *Law & Society Review*, Vol. 29, No. 2 (1995), 197-226, 222 (citing many sources from different disciplines).

34 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 198.

35 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 198, citing Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth Publishing, 1984); Paul Ricoeur, *Time and Narrative*, Vol. 1-3 (Chicago: University of Chicago Press, 1984, 1985, 1988).

provides a temporal and structural ordering that explains how and why the events occurred and how and why the characters acted.³⁶

But we shouldn't think of narratives merely as a way for humans to represent the world or some of our experiences in the world. As Christian Smith points out, we are not only "animals who make stories but are also animals who are made by our stories."³⁷ Smith's observation, in turn, is based on an earlier argument by Alasdair MacIntyre who posits that narratives are not only central to human self-understanding but that they constitute that self-understanding. A human being is "in...actions and practice, as well as in... fictions, essentially a story-telling animal.... I can only answer the question 'What am I to do?' if I can answer the prior question 'Of what story or stories do I find myself a part?'"³⁸ Indeed, Donald Polkinghorne argues that the only way "the self" can even be "conceptualized [is] as an unfolding narrative."³⁹

Paul Ricoeur provides a very influential explanation of why and how narrative constitutes human identity. It is the form of discourse, he tells us, that best corresponds to our lived human experience, precisely because we are beings who live in time. The emplotment of a narrative reproduces the experience of lived time. So any form of discourse or analysis that tries to stand apart from narrative, dissecting stories into constituent rules or components necessarily falsifies, he implies, by reducing the "structure of the tale into a machinery whose task it is to compensate for the initial mischief of lack by a final restoration of the disturbed order."⁴⁰

"Suppose," posits MacIntyre by way of illustration, "I am standing waiting for a bus and the young man standing next to me suddenly says: 'The name of the common wild duck is *Histrionicus histrionicus histrionicus*.'" We have "no problem" understanding what this sentence means on its own terms, but that doesn't get us very far in making the utterance intelligible. We need, and we immediately try to place the utterance within, a narrative that answers the question, "what was he doing

36 Ewick and Silbey, "Subversive Stories and Hegemonic Tales," 200; Christian Smith, *Moral, Believing Animals: Human Personhood and Culture* (New York: Oxford University Press, 2003), 65-66.

37 Smith, *Moral, Believing Animals*, 64.

38 MacIntyre, *After Virtue*, 216.

39 Donald Polkinghorne, *Narrative, Knowing and the Human Sciences* (Albany, NY: SUNY Press, 1988), 135, quoted by Ewick and Silbey, "Subversive Stories and Hegemonic Tales," 198-99.

40 Paul Ricoeur, "Narrative Time," *Critical Inquiry* 7 (1980): 165, 180 quoted in Ewick and Silbey, "Subversive Stories and Hegemonic Tales," 204.

in uttering it?” The narrative might be that the young man “just uttered such sentences at random intervals,” allowing us to conclude that he has some “form of madness.” Or else, “he has mistaken me for someone who yesterday had approached him in the library and asked: ‘Do you by any chance know the Latin name of the common wild duck?’” Or perhaps “he has just come from a session with his psychotherapist who has urged him to break down his shyness by talking to strangers....” In any case, what “makes the act of utterance...intelligible” is “its place in a narrative.”⁴¹

Charles Taylor agrees that narrative constitutes human identity, but provides more of a moral explanation. “[I]n order to make minimal sense of our lives, in order to have an identity, we need an orientation to the good....”⁴² That is to say, we can only understand who we are through a framework of qualitative distinctions whereby we situate ourselves in relation to that which we perceive to be higher, toward which our life is moving.⁴³ This framework of qualitative distinctions “has to be woven into my understanding of my life as an unfolding story”⁴⁴ This unfolding story is “not an optional extra,” but an essential feature, especially of our modern identity: “In order to have a sense of who we are, we have to have a notion of how we have become, and of where we are going.”⁴⁵

These two dimensions of modern human narrativity—one backward-looking (“how we have become”) and the other forward-looking (“where we are going”)—constitute “something like an a priori unity of a human life....”⁴⁶ Looking back, I tell the story of my “striving” and at first “failing to achieve” the good; looking forward “I project a future story...a bent for my whole life to come” that endorses the direction in which I have been going or endorses a new direction.⁴⁷ Either way, the plot of my backward- and forward-looking narrative identity enables me “to make a real assessment” of my present situation vis a vis what I perceive as the good.⁴⁸ The narrative unity of a human life, both Taylor and MacIntyre, argue, is thus structured like a “quest”: a “sense of my life as having a direction towards what I am not yet.”⁴⁹

41 MacIntyre, *After Virtue*, 210.

42 Charles Taylor, *Sources of the Self: The Making of Modern Identity* (Harvard University Press, 1989), 47.

43 Taylor, *Sources of the Self*, 3-47.

44 Taylor, *Sources of the Self*, 47.

45 Taylor, *Sources of the Self*, 47.

46 Taylor, *Sources of the Self*, 51.

47 Taylor, *Sources of the Self*, 48.

48 Taylor, *Sources of the Self*, 48.

49 Taylor, *Sources of the Self*, 51, quoting MacIntyre, *After Virtue*, 203-04.

Other narrative theorists disagree with Ricouer, MacIntyre, and Polkinghorne about the extent to which narrative deeply constitutes human identity and consciousness. According to theorists like Hayden White and Louis Mink, narrative does not constitute social reality but rather constructs our knowledge of social reality. White for example, points out that “the social world does not come to us ‘already narrativized’”; that it does not “present itself to perception in the form of well-made stories, with central subjects, proper beginnings, middles, and ends, and a coherence that permits us to see ‘the end’ in every beginning.”⁵⁰ Mink agrees, arguing that “[s]tories are not lived but told,” in the sense that “[l]ife has no beginnings, middles, or ends....”⁵¹ True, we live particular “hopes, plans, battles, and ideas” in real time, but only in our “retrospective” narratives are “hopes unfulfilled, plans miscarried, and battles decisive, and ideas seminal.”⁵² These retrospective narratives of the social world are “persuasive and compelling” not because they correspond to lived experience but precisely because they imaginatively provide “an order, ‘coherence, integrity, fullness and closure’” that is lacking in lived experience.⁵³

This way of describing the role of narrative as either constitutive of reality or constructive of our knowledge about reality is something of a false dichotomy. One way to explode the dichotomy is to see the different way narrative works in the moment as opposed to retrospectively. In the moment, I need a story to interpret my own reality (“this crazy boy on the bus is talking gibberish” or “oh, no, he has me confused with someone else,” or “this is awkward!”) and to engage in meaningful action (move to the other side of the bus, express a quizzical look, or smile and look down at my smartphone). Retrospectively, though, I also use narratives to make sense of that lived experience and to draw out their larger significance (“let me tell you about the people on the bus; why, just the other day, this kid started speaking Latin to me out the blue!”) From here, it is only a small step to see that the role of the scholar creating a retrospective narrative is even farther removed from lived

50 Hayden White, *The Content of the Form* (Johns Hopkins University Press, 1987), 24, quoted in Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 204.

51 Louis O. Mink, “History and Fiction as Modes of Comprehension,” *New Literary History* 1 (1970): 541, 558, quoted in Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 204, n. 6.

52 Mink, “History and Fiction as Modes of Comprehension,” 558, quoted in Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 204, n. 6.

53 White, *The Content of the Form*, 24, quoted in Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 204.

experience, and so the imagined significance, coherence, order, etc. will be more imaginary than real.

Even in the most immediate mode, though, where narrative is constituting the meaning of my lived experience, I am always exercising creativity in choosing between available characters, plotlines, morals, etc. Being constituted by narrative doesn't mean that I am imprisoned in a script written for me, or perhaps a narrative matrix created for me, by powers utterly beyond my control, like Truman in *The Truman Show* or pre-red-pill Neo in *The Matrix*. True, "[w]hat the actor is able to do and say intelligibly...is deeply affected by the fact that we are never more (and sometimes less) than co-authors of our own narratives."⁵⁴ But still, we are co-authors. The result is always "an enacted dramatic narrative in which the characters are also the authors. The characters of course never start literally *ab initio* [from the beginning]; they plunge in *medias res* [into the middle of things], the beginnings of their story already made for them by what and who has gone before."⁵⁵ But, narratively constituted beings, humans always have the "dual capacity of reproduction and invention."⁵⁶

In Ricoeur's "elegant formulation," narratives work with a "flexible dialectics between innovation and sedimentation."⁵⁷ On the one hand, narratives provide a "horizon of meaning" by conveying the traditions of a society or culture, which provide sedimentation or grounding.⁵⁸ And on the other hand, "this horizon is not so determinative that changes in context and condition cannot be addressed; innovation develops within and is, indeed, inspired by the necessary tension between the desire for stability and the need for, or inevitability of, change."⁵⁹ These innovations add to and alter the traditions and the horizon in ongoing ways, providing "guidelines for further experimentation."⁶⁰

54 MacIntyre, *After Virtue*, 213.

55 MacIntyre, *After Virtue*, 215.

56 Ewick and Silbey, "Subversive Stories and Hegemonic Tales," 199.

57 David S. Gutterman, *Prophetic Politics: Christian Social Movements and American Democracy* (Cornell University Press, 2003), 32, quoting Paul Ricoeur, *Figuring the Sacred: Religion, Narrative, and Imagination*, trans. David Pellauer. Ed. Mark I. Wallace (Fortress Press, 1995), 240

58 Gutterman, *Prophetic Politics*, 33.

59 Gutterman, *Prophetic Politics*, 33.

60 Gutterman, *Prophetic Politics*, 32, quoting Ricoeur, *Figuring the Sacred*, 240.

Political, legal, and religious narratives

The narrative dialectic between sedimentation and innovation constitutes not just individual human identity, but also social identity as well. For example, narratives shape political, legal, and religious identities. Hannah Arendt's position on the relationship between narratives and politics has been very influential. "The predicament of meaninglessness . . . and the impossibility of finding valid standards" for human action can be addressed, said Arendt, only "through the interrelated faculties of action and speech which produce meaningful stories."⁶¹ But storytelling is also an act of proclamation and a demand for recognition as storytellers "seek to have their particular stories heard."⁶² Through these two functions, stories constitute democracy. "[S]torytelling demands 'story-listening': the exchange of narratives—the collective effort to search for meaning...—helps define public life and accordingly shapes the context [the public realm] in which politics takes place."⁶³

This "public life," filled with the "sounds of stories," is a crucial part of "democratic politics."⁶⁴ The exchange of stories not only constitutes democratic politics through filling public space with the sounds of stories, but it is also a political act in and of itself. Storytelling's duality between reproduction and invention ties together past, present and future. Thus, an act of storytelling is not merely an attempt to achieve individual meaning. Rather, storytelling "projects a conception of reality into the world."⁶⁵ By exchanging these conceptions of reality, people actively enter into relations with one another in a way akin to mutual promises.⁶⁶

A similar dialectic between narrative reproduction and invention, or sedimentation and innovation, can also make sense of legal reasoning. As Ronald Dworkin argues, being faithful to a legal principle always requires judges to first construct a "narrative story that makes of [prevailing political and legal] practices the best they can be."⁶⁷ As "partners with other officials, past

61 Hannah Arendt, *The Human Condition* (University of Chicago Press, 1958), 236, quoted in Gutterman, *Prophetic Politics*, 20.

62 Gutterman, *Prophetic Politics*, 21.

63 Gutterman, *Prophetic Politics*, 21.

64 Gutterman, *Prophetic Politics*, 21.

65 Gutterman, *Prophetic Politics*, 21.

66 Gutterman, *Prophetic Politics*, 22-23.

67 Ronald Dworkin, *Law's Empire*, (Belknap Press 1986), vii.

and future,”⁶⁸ current judges are part of a “complex...enterprise”⁶⁹ that seems much more like “jointly creating a chain novel”⁷⁰ than it does like dry, narrow rule following.

“Judges are like authors in which each writes a chapter that makes sense as part of the story as a whole” but also takes the story in new and unexpected directions.⁷¹ Just as chain novelists have the “dual responsibilities of interpreting and creating,”⁷² judges must both “interpret what has gone before” and then “advance the enterprise in hand.”⁷³ They must read the existing story of the law for themselves and determine, according to their own judgment, what the story is, what it has come to until now. Only then can they tell a “different, even contrary,” narrative about the relevant legal principles, deciding “on their own which conception” of that legal principle “does most credit to the nation.”⁷⁴

More empirical scholars have also used narrative theory to analyze other legal phenomena besides judicial decision making. Haltom and McCann, for example, analyzed the production, telling, and distribution of “tort tales” as an example of the “multiple, interrelated paths through which [social] knowledge is created, disseminated, and entrenched in cultural practice.”⁷⁵ In particular, they sought to understand “how certain legal narratives develop, circulate, and come to be accepted as a truth of social life, while many other plausible legal constructions are discarded, displaced, or diminished.”⁷⁶ They emphasized the social construction of legal knowledge about tort law as an intricate cultural process of narrative production with instrumental, institutional, and ideological dimensions.⁷⁷

Ewick and Silbey analyzed the way that the everyday stories people tell about the law act as both an “interpretative framework and a set of resources with which and through which the social world (including that part known as

68 Ronald Dworkin, *Freedom's Law: The Moral Reading of the American Constitution* (Harvard University Press, 1996), 10.

69 Ronald Dworkin, “The Politics of Interpretation,” *Critical Inquiry* 9 (1982): 179-200, 193.

70 Dworkin, *Freedom's Law*, 10.

71 Dworkin, *Freedom's Law*, 10.

72 Dworkin, “The Politics of Interpretation,” 192.

73 Dworkin, “The Politics of Interpretation,” 193.

74 Dworkin, *Freedom's Law*, 11.

75 William Haltom and Michael McCann, *Distorting the Law: Politics, Media, and the Litigation Crisis* (University of Chicago Press, 2004), 13.

76 Haltom and McCann, *Distorting the Law*, 11.

77 Haltom and McCann, *Distorting the Law*, 13.

law) is constituted.”⁷⁸ Listening to individual stories about legal encounters and how people experience them, analyzing the themes of these stories, and using these themes to build up a typology of legal narratives enables Ewick and Silbey to study the way that legality is constructed. Rather than studying the way formal legal texts, personnel, or institutions act on people from the outside or from the top down, following the stories people tell about the law allows us to see that law is not a set of rules, doctrines, or practices but rather “an emergent structure of social life that manifests itself in diverse places, including but not limited to formal institutional settings.”⁷⁹

But not all social narratives are created equal. Different stories move and define political and legal identity and action at different levels and in different ways. One crucial distinction between levels of narratives is the one Stephen Crites makes between “sacred” and “mundane” narratives.⁸⁰ Sacred stories are like “dwelling places” for identity: a “total world horizon” that provides a context for a nation’s, community’s, organization’s, or individual’s sense of self.⁸¹

“Mundane” stories, on the other hand, are more practical stories that take place within the bounds of the context provided by the sacred story and are aimed at fulfilling the larger vision set forth by the sacred story.⁸² For example, sacred stories like the Jewish Exodus narrative have inspired many practical movements of reform and liberation...throughout the centuries” in the western political and legal tradition.⁸³ Even for those who do not believe in God or practice a religion, seeing their own individual story as connected to larger stories originating in religious traditions can inspire tremendous political hope and solidarity.⁸⁴ Sometimes a secular historical narrative is substituted for a religious one, such as “a Marxist picture of humanity’s advance toward socialism.”⁸⁵ But even for

78 Patricia Ewick and Susan S. Silbey, *The Common Place of Law: Stories From Everyday Life* (University of Chicago Press, 1998), 23.

79 Ewick and Silbey, *The Common Place of Law*, 23.

80 Gutterman, *Prophetic Politics*, 30, citing Stephen Crites, “The Narrative Quality of Experience,” in *Why Narrative? Readings in Narrative Theology*, ed. Stanley Hauerwas and L. Gregory Jones (William B. Eerdmans, 1988), 65-88.

81 Crites, “The Narrative Quality of Experience,” 70-71, quoted in Gutterman, *Prophetic Politics*, 31.

82 Crites, “The Narrative Quality of Experience,” 70-71, cited in Gutterman, *Prophetic Politics*, 31-32.

83 Taylor, *Sources of the Self*, 96, citing Michael Walzer, *Exodus and Revolution* (Basic Books, 1985).

84 See Taylor, *Sources of the Self*, 96.

85 Taylor, *Sources of the Self*, 96. See also Alasdair MacIntyre, *Christianity and Marxism* (Notre Dame Press, 1984).

those who lack this kind of secular messianic hope, and who cannot name any specifically religious source of their inspiration or empowerment, the “story marches on” because “the Bible as a whole has been [such] a tremendous source of...empowering stories in Western history.”⁸⁶

Of course, the Exodus narrative and other biblical motifs have had particularly tremendous power in shaping the American political and legal “civic religion.”⁸⁷ Examples of this phenomenon abound in American history, including Puritan John Winthrop’s sermon aboard the *Arabella* and the Mayflower Compact, the speeches of Abraham Lincoln, the rhetoric of the Progressive movement, the speeches of Martin Luther King, Jr., and countless others.⁸⁸ Throughout the nation’s life, public figures and private citizens have understood their own individual American identities to be inextricably connected to a larger American story consciously or unconsciously patterned after that of ancient Israel.⁸⁹⁹⁰ This understanding deeply colors the American understanding and interpretation of key political and legal texts, the Declaration of Independence and—especially—the Constitution.⁹⁰

THE DARK SIDE OF NARRATIVES

But despite—or perhaps because of—the ubiquity and necessity of narrative frameworks in constructing human identity, politics and law, there are also good reasons to be suspicious of the power of dominant political and legal stories, whether religious or not. For example, “hegemonic”⁹¹ or “establishment”⁹² stories, make us think “the way things are is inevitable, or the best that can be.”⁹³ These narratives suppress or ignore “[a]lternative visions of reality” or even reject them “as

86 Taylor, *Sources of the Self*, 96, citing Northop Frye, *The Great Code* (Academic Press, 1984).

87 See Robert N. Bellah, *The Broken Covenant: American Civil Religion in Time of Trial*, 2nd Ed. (University of Chicago Press, 1992); Robert N. Bellah, “Civil Religion in America,” *Daedalus*, 134(4): 40-55 (2005); Philip Gorski, *American Covenant: A History of Civil Religion From the Puritans to the Present* (Princeton University Press, 2017).

88 See Bellah, “Civil Religion in America”; Gorski, *American Covenant*.

89 See Bellah, “Civil Religion in America”; Gorski, *American Covenant*.

90 See, for example, Bellah, “Civil Religion in America,” 44, 47; Sanford Levinson, *Constitutional Faith* (Princeton University Press, 1988); Sanford Levinson, “The Constitution in American Civil Religion,” *The Supreme Court Review*, 1979, 123-151; Max Lerner, “Constitution and Court as Symbols,” *Yale Law Journal* 46:1290 (1937); Jaroslav Pelikan, *Interpreting the Bible and the Constitution* (Yale University Press, 2004).

91 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 212.

92 Delgado, “Storytelling for Oppositionists and Others”; Richard Delgado, “On Telling Stories in School: A Reply to Farber and Sherry,” *Vanderbilt Law Review*, 6 (1993) 665.

93 Delgado, “Storytelling for Oppositionists and Others,” 2417.

extreme or implausible.”⁹⁴ By their very articulation, some social narratives can “feed our self-conceit” and defend a “discreditable status quo” because they “weave a cocoon of moral assurance around us which...insulates us from the energy of true moral sources.”⁹⁵

Religious narratives might be especially dangerous along these lines for liberal democracies. Of course, religious stories have been intertwined with political and legal stories in the political theology of the west for centuries.⁹⁶ Even after the “great separation” between divine and secular political narratives posited by Enlightenment thinkers took root, the result was not the banishment of the idea of a theological ground for positive law and policy but rather the metamorphosis of theological grounds into more abstract humanistic grounds like natural rights and individual dignity, which were less otherworldly but still metaphysical.⁹⁷ Still, as Arendt warns, “[d]emocratic stories should invite and require judgment, rather than compel acquiescence to a claim of truth.”⁹⁸ The very “willingness of religious voices to proclaim absolute truth...makes them [particularly] appealing to” Christian conservative “decriers of ‘relativism,’” such as the subjects of my research, “who mourn this ‘world without standards’ where God is ‘no longer welcome’ in our nation’s classrooms and public spaces.”⁹⁹ Hannah Arendt is particularly suspicious of, and even intolerant of, religious narratives to the extent that they claim to be anchored in a larger system of absolute truth. “Every claim in the spirit of human affairs to an absolute truth,” she argues, “whose validity needs no support from the side of opinion, strikes at the very roots of all politics and all governments.”¹⁰⁰

Perhaps Arendt’s fear is alarmist. If a story merely expresses a view of the world that is seen as true by its storytellers, and if it merely invites others to appreciate that truth, how can it really “compel acquiescence”? If all human identity is narratively constituted, then both religious and non-religious citizens are operating out of their own stories they take to be more or less absolutely true. So how can religious narratives anchored in larger schemes of absolute truth “strike at the root of politics” in a way that secular narratives don’t? Still,

94 Delgado, “Storytelling for Oppositionists and Others,” 2416-17.

95 Taylor, *Sources of the Self*, 97.

96 See, for example, Mark Lilla, *The Stillborn God: Religion, Politics, and the Modern West* (Alfred A. Knopf, 2007).

97 See Lilla, 296-301; Charles Taylor, *A Secular Age* (Belknap Press, 2007), 221-69.

98 Gutterman, *Prophetic Politics*, 23.

99 Gutterman, *Prophetic Politics*, 23, quoting Richard John Neuhaus, *The Naked Public Square: Religion and Democracy in America* (Grand Rapids, MI: Eerdmans Press, 1984).

100 Hannah Arendt, *Between Past and Future: Eight Exercises in Political Thought* (Penguin Books, 1977), 233, quoted in Gutterman, *Prophetic Politics*, 23.

as hopeful and liberatory as the American civil religion tradition has often been, it is impossible to ignore the extent to which it has also often degenerated into dangerous forms of exclusion, conquest, and apocalypticism.¹⁰¹ In particular, Trump-era Christian conservative political and legal identities are rooted in a Christian nationalist narrative. Like those who focus on American civil religion, Christian nationalists point to evidence that America's "founding ideals, historic documents, sacred symbols, [and] policies," are consciously modeled upon Jewish and Christian narrative tropes and symbols.¹⁰² But, unlike believers in American civil religion,¹⁰³ Christian nationalists believe that the connection between the United States and Christianity is much more than a narrative inspiration; they believe that America's founding committed it to a literal covenantal union with God, that "both America and Christianity have benefitted greatly from that union, and consequently, [that] those who wish to dissolve the marriage want nothing less than to destroy America."¹⁰⁴ Although Christian nationalism has been around for a long time, its political salience surged in the leadup to Donald Trump's election.¹⁰⁵ Indeed, it was a big part of the reason for the strength of the eventual unlikely alliance between Trump and Christian conservatives.¹⁰⁶

Narrative theory can help to explain how the American self-understanding could produce both a pacific and liberatory story like American civil religion and also a hostile and exclusive story like Christian nationalism. As Charles Taylor argues, narratives that connect up to "a greater pattern of history" can be even more delusional and reifying than the standard

101 Gorski, *American Covenant*, 19-23, 35-36, 38-39, 54-59, 96-100, 137-42.

102 Andrew L. Whitehead and Samuel L. Perry, *Taking Back America for God: Christian Nationalism in the United States* (Oxford University Press, 2020), 3

103 For an explanation of the difference between Bellah's understanding of American civil religion and Christian nationalism, see Gorski, *American Covenant*, xviii-iv, 16-19.

104 Andrew L. Whitehead and Samuel L. Perry, *Taking Back America for God: Christian Nationalism in the United States* (Oxford University Press, 2020), 3. See also, Katherine Stewart, *The Power Worshipers: Inside the Dangerous Rise of Religious Nationalism* (Bloomsbury Press, 2020).

105 See, for example, Andrew L. Whitehead and Christopher P. Scheitle, "We the (Christian) People: Christianity and American Identity from 1996 to 2014," *Social Currents* 5(2):157-72 (2018); Rhys H. Williams, "Civil Religion and the Cultural Politics of National Identity in Obama's America," *Journal for the Scientific Study of Religion* 52(2): 239-57 (2013).

106 Andrew L. Whitehead, "Make America Christian Again: Christian Nationalism and Voting for Donald Trump in the 2016 Presidential Election," *Sociology of Religion: A Quarterly Review* 79(2): 147-71 (2018); Philip Gorski, "Why Evangelicals Voted for Trump: A Critical Cultural Sociology," *American Journal of Cultural Sociology* 5(3): 338-54 (2017).

establishment or hegemonic narrative.¹⁰⁷ Grand historical narrative patterns, whether religious, secular progressive, revolutionary, pacific, or nationalistic, exercise “a force of attraction” all their own through their unique “capacity to confer meaning and substance on people’s lives.”¹⁰⁸ We have good reason to distrust personal and social narratives that connect to these larger historical patterns because their flexibility and plasticity present so much fodder for “delusion,” “profanation,” and outright “counterfeit[ing].”¹⁰⁹ The outcome can be “sinister” and even “evil,” as with Nazi, Soviet, and other forms of skilled historical narrativity in recent history. Simply put, “fascists tell stories; zealots tell stories,” just as much as moderates and liberals, and so we must at least be as cautious of the possibility of sinister and evil narratives as we are trusting in the power of narratives to “generate meaning and hope.”¹¹⁰

But narrative theory might also point the way out of these dangers. Following Joshua Dienstag, we might say that these sinister and evil political narratives, especially ones that are nested within sacred narratives, take a “reconciling” approach to the sacred story.¹¹¹ Just as Arendt warned about the anti-democratic dangers of absolute religious claims, Dienstag warns about the danger of historical narratives that seek to “‘reconcile’ present conditions with a fixed understanding of ‘the meaning of the past.’”¹¹² But Dienstag holds out hope for a more “redemptive” approach: one that “opens up the past to new possibilities.”¹¹³ “The past,” whether sacred or secular, is “inherently mutable. It cannot be altered at will. But the meaning of an inheritance can be worked on....”¹¹⁴ Working on the past means wrestling with the liberatory and the solidarity-inspiring aspects of the American civil religious narrative on the one hand and the oppressive, apocalyptic aspects of the Christian nationalist narrative on the other hand. Through this wrestling with our national identity, we can remake and retell the story of America redemptively “until some...value has been made of it.”¹¹⁵

107 Taylor, *Sources of the Self*, 97.

108 Taylor, *Sources of the Self*, 97.

109 Taylor, *Sources of the Self*, 97.

110 Gutterman, *Prophetic Politics*, 23.

111 Joshua Dienstag, *Dancing in Chains: Narrative and Memory in Political Theory* (Stanford University Press, 1997), 187, cited by Gutterman, *Prophetic Politics*, 33-34

112 Gutterman, *Prophetic Politics*, 33, quoting Dienstag, *Dancing in Chains*, 187.

113 Gutterman, *Prophetic Politics*, 34, discussing Dienstag, *Dancing in Chains*.

114 Dienstag, *Dancing in Chains*, 188, quoted in Gutterman, *Prophetic Politics*, 34.

115 Dienstag, *Dancing in Chains*, 188, quoted in Gutterman, *Prophetic Politics*, 34.

NARRATIVES AND THE PROBLEM OF TRUTH

My hope was that I could use the sort of narrative theories outlined above to make sense of Christian conservative narratives about politics, law, and religion, understanding better their changing legal and constitutional aims and strategies before and during the Trump Presidency. I thought I could do this by bracketing the empirical truth or falsity of their claims and focusing only on the narrative patterns that made sense of the danger presented by those claims. Of course, Christian conservatives said and did a lot of things before and during the Trump Presidency that were debatable on empirical grounds or even easily refutable on empirical grounds. But my main concern wasn't their truth or falsity, but rather their danger to the American project of liberal democracy.

Over and over again, though, I found myself returning to the truth value of Trump-era Christian conservative political and legal claims. Making sense of the larger narratives that gave rise to these claims seemed to require it. Specifically, there was a connection between the empirically indefensible claims and actions of Trump-era Christian conservatives and the larger Christian nationalist narrative motivating their political and legal action. First, the details of this larger narrative—details involving American history, the pandemic, and the 2020 election—themselves had a dubious relationship to the facts. But even more importantly, the claim to be upholding and defending objective truth against an onslaught of modern and postmodern relativism, and subjectivism is central to the Christian conservative self-understanding I was investigating.

Indeed, for the Christian conservatives I was studying, the western political and legal tradition as a whole, from which American government and law descended, was characterized by rational deliberation about objective truths and absolute values having their source in divine authority.¹¹⁶ More to the point, America was supposed to be a chosen citadel of those divinely authored absolute values. Rather than Judeo-Christian symbolism and narratives comprising a key part of American civil religion, many Christian conservatives view America as

116 See, for example, Francis A. Schaeffer, *How Should We Then Live? The Rise and Decline of Western Thought and Culture* (Fleming H. Revell, 1976); Francis A. Schaeffer, *A Christian Manifesto* (Crossway Books, 1981); Charles Colson and Nancy Pearcey, *How Now Shall We Live?* (Tyndale House Publishers, 1999); Virginia C. Armstrong and Michael Farris, *The Christian World View of Law* (Coalition on Revival, 1999), http://theapologeticsgroup.com/wp-content/uploads/2012/06/Christian_Worldview_Law.pdf; “Evangelicals and Catholics Together,” *First Things*, <https://www.rstthings.com/article/1994/05/evangelicals-catholics-together-the-christian-mission-in-the-thirdmillennium> (“Together we contend for the truth that politics, law, and culture must be secured by moral truth.”).

the product of an actual covenant with the God of the universe—a covenant carrying both benefits and obligations.¹¹⁷

And it was just as clear that Christian conservatives understood recent events in American history—everything from moral failure to economic inequality to terrorist attacks—to be caused directly by the abandonment of that covenant with God and thus with the absolute truths, objectively known, which alone can anchor the legitimacy of a nation’s laws and policies.¹¹⁸ Abandoning this covenant, they argue, has created a crisis of trust that comes from being forced to increasingly live “a lie” perpetuated by the whole society, including its courts and judges.¹¹⁹ Not only do we live in a world, “whose governments and most successful businesses are mills for the mass production of deceit,” but even Supreme Court Justices, “whose business it is to know the truth,” have come to participate in a “multitude” of lies—about everything from capital punishment and abortion to health care and women in the military to gay and transgender civil rights.¹²⁰

If I was going to understand how and why their Trump-era legal claims and activism fit into these larger Christian conservative narratives, then, I had to find some way of confronting issues of objective fact and empirical reality, not in an effort to fact-check their claims, but in an effort to study the very Christian conservative self-understanding I was after in the first place. But, in spite of the way narrative theory helped me to

117 See, for example, Andrew L. Whitehead and Samuel L. Perry, *Taking Back America for God: Christian Nationalism in the United States* (Oxford University Press, 2020); Katherine Stewart, *The Power Worshippers: Inside the Dangerous Rise of Religious Nationalism* (Bloomsbury Press, 2020); Andrew L. Whitehead and Christopher P. Scheitle, “We the (Christian) People: Christianity and American Identity from 1996 to 2014,” *Social Currents* 5(2):157-72 (2018); Rhys H. Williams, “Civil Religion and the Cultural Politics of National Identity in Obama’s America,” *Journal for the Scientific Study of Religion* 52(2): 239–57 (2013); Andrew L. Whitehead, “Make America Christian Again: Christian Nationalism and Voting for Donald Trump in the 2016 Presidential Election,” *Sociology of Religion: A Quarterly Review* 79(2): 147-71 (2018).

118 R.R. Reno, *Resurrecting the Idea of a Christian Society* (Washington, D.C.: Regnery Faith, 2016), 2. See also Charles J. Chaput, *Strangers in a Strange Land: Living the Catholic Faith in a Post-Christian World* (Henry Holt and Company, 2017); Rod Dreher, *The Benedict Option: A Strategy for Christians in a Post-Christian Nation* (Sentinel, 2017); Anthony Esolen, *Out of the Ashes: Rebuilding American Culture* (Regnery Publishing, 2017); Dwight D. Longenecker, “Commentary: Maybe It’s Time for American Christians to Head for the Hills,” *Crux: Taking the Christian Pulse*, April 11, 2016, <http://www.cruxnow.com/church/2016/04/11/maybe-its-time-american-christians-head-for-the-hills/>.

119 Esolen. *Out of the Ashes*, 12.

120 Esolen. *Out of the Ashes*, 12.

illuminate the power of stories in constructing the complexity of the Christian conservative political, legal, and religious identity, I confronted a problem in using narrative theory to critique Trump-era Christian conservative political and legal claims. Namely, the very constructivist, post-positivist approach used in narrative theory, which enabled me to effectively diagnose the danger of Christian conservative narratives, makes any empirical critique of those narratives problematic.

More specifically, the dual capacity to construct both “redemptive” and “reconciling” narratives makes them difficult, if not impossible, to adjudicate as correct or incorrect on empirical grounds. Part of the reason is that social narratives are inherently selective in the events, facts, and details they utilize. “In order to construct” a narrative in the first place, “the storyteller selects specific events...that serve as vehicles of commentary and meaning-making. Not all possible [events] are important to recount, only those that ...convey[] the larger intended moral and meaning....”¹²¹

Given this selective way that narratives put details together, it’s possible that social narratives may simply be inherently “indeterminate and subject to interpretation.”¹²² When we try to “rationally adjudicate between divergent stories,” we have to ask ourselves, what evidence proves, or what objective facts prove, that one story “is a truer story” than another?¹²³ But “what *is* evidence is *itself* largely...constituted for us...by our narratives”¹²⁴ and “the significant story running through, over, and under ‘the facts’” itself “constitutes what is a fact....”¹²⁵

There is also a deeper methodological reason why narrative scholars in various disciplines shrink back from attempts to directly challenge the empirical validity of the narratives they study. Namely, narrative theory and scholarship defines itself in contrast to the kinds of empirical truth claims made by traditional non-narrative scholarly discourse by focusing on subjective, contextualized, and specific accounts of social life rather than trying to produce generalizable claims based on more objective measures of empirical validity and reliability.¹²⁶ Traditional social and legal scholarship, in particular, “purports to be neutral and dispassionately analytical,” but it rarely focuses on “the mindset, the received wisdoms that serve as the starting points” of this scholarship: the

121 Smith, *Moral, Believing Animals*, 66.

122 Richard Delgado, “Storytelling for Oppositionists and Others: A Plea for Narrative,” *Michigan Law Review* 87 (1989): 2411-2441, 2416.

123 Smith, *Moral, Believing Animals*, 87.

124 Smith, *Moral, Believing Animals*, 87.

125 Smith, *Moral, Believing Animals*, 66.

126 See Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 198.

worldview or paradigm that makes certain scholarship seem worth doing and other scholarship not worth doing.¹²⁷ These mindsets or received wisdoms are “themselves no more than stories that lie behind” the scholar’s “quasi- scientific string of deductions.”¹²⁸

In contrast to more traditional scholarship, narrative accounts are often based on a constructivist assumption that “‘society’ is an ongoing production that is created daily anew, rather than a fixed and external entity.”¹²⁹ Since “[r]eality is not fixed, not a given” but rather something “we construct...through conversations, through our lives together...[n]o single narrative is accurate: ...There is no single true, or all-encompassing description...”¹³⁰ Rather, “[w]e participate in creating what we see in the very act of describing it. We decide what is, and, almost simultaneously, what ought to be.”¹³¹ Even the postmodern position of “credulity” toward the “grand narratives” like Marxism or Liberalism that have shaped modern identity “itself is a narrative” in the sense that it selects pieces of the postmodern sensibility and orders these pieces in some kind of understandable presentation.¹³²

127 Delgado, “Storytelling for Oppositionists and Others,” 2440-41.

128 Delgado, “Storytelling for Oppositionists and Others,” 2440-41.

129 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 222, citing Susan Silbey, “Making a Place for Cultural Analyses of Law,” *Law & Social Inquiry* 17 (1992): 39; Stuart Henry, “The Construction and Deconstruction of Social Control: Thoughts on the Discursive Production of State Law and Private Justice,” in J. Lowman, R. Mentias, & T. S. Palys, eds., *Transcarceration: Essays in the Sociology of Social Control* (Gower Publishers, 1987).

130 Delgado, “Storytelling for Oppositionists and Others,” 2416.

131 Delgado, “Storytelling for Oppositionists and Others,” 2416.

132 See Smith, *Moral, Believing Animals*, 66-67, quoting Francois Lyotard, *The Postmodern Condition: A Report on Knowledge*, trans. Geoff Bennington and Brian Massumi (University of Minnesota Press, 1984). It should be noted that Smith sees postmodern critiques of modern metanarratives as self-contradictory and short-sighted because he thinks these critiques overlook the continuing power of narratives, both within postmodern theory itself and in the world that postmodernism diagnoses. Smith, *Moral, Believing Animals*, 67, 155-56. Smith is mistaken about this. No postmodern theorist ever claimed that narratives lack any power or meaning, but only that the meaning of modern narratives is not what they claimed to be: explanations of human identity and action based on objective, universal laws. Telling and paying attention to provisional, contingent, and subjective stories about particular human circumstances and situations is *both* a way of critiquing modern metanarratives *and* of continuing the human project of self-examination and explanation. This is exactly what Smith himself is (laudably) up to in this book, as he concludes that “[h]uman life is far too dependent, interdependent, networked, constructed, and directed by the larger cultural, moral orders that nurture, orient, and guide human motivations and actions for much of what the Enlightenment has taught us to be remotely plausible.... Seeing that we do not possess the option to escape [narratives] the crucial question then becomes: *which...narratives...merit our allegiance and why?*” Smith, *Moral, Believing Animals*, 155.

This constructivist assumption has both epistemological and political implications for those, like me, who wish to explore the socio-political and socio-legal narratives told by particular groups at a particular time and place. Epistemologically, narrative theory claims to “have the capacity to reveal truths about the social world that are flattened or silenced by an insistence on more traditional methods of social science and legal scholarship.”¹³³ Politically, some narratives have significant subversive or transformative potential” because they “give voice to the subject” and they “preserve this voice of the subject” by collecting, interpreting, and presenting subjective human experience rather than flattened out objective descriptions of human activity.¹³⁴ By “allowing the silenced to speak,” and “by refusing the flattening and distorting effects of traditional logico-scientific methods” many narrative theorists—especially feminist and Critical Race Theory scholars—claim to contribute to the very redemptive, “liberatory” reworking of social identity that they are studying.¹³⁵

Crucially for my project, though, these epistemological and redemptive political claims are inextricably related. That is to say, the constructivist conviction that “there is no single, objectively apprehended truth” is precisely what makes possible the liberatory potential of a reworked social identity. Rejecting the claim of reconciliatory or hegemonic narratives to possess *the* only true story unfreezes the social world. This opens up the possibility of new readings of existing narratives and new realities based on those new readings.¹³⁶

But if the constructivist conviction is correct—if “there is no single, objectively apprehended truth”—then there is no logical basis for

133 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 199.

134 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 199, quoting Susan E. Bell, “Commentary on ‘Perspectives on Embodiment: The Uses of Narrativity in Ethnographic Writing’ by Katherine Young,” *Journal of Narrative and Life History* 1: 245 (1991).

135 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 199, citing Hilary Graham, “Surveying through Stories,” in C. Bell & H. Roberts, eds., *Social Researching: Politics, Problems, Practice* (Routledge & Kegan Paul, 1984); Elliot G. Mishler, *Research Interviewing: Context and Narrative* (Harvard University Press, 1986); Mari Matsuda, “Looking to the Bottom: Critical Legal Studies and Reparations,” *Harvard Civil Rights-Civil Liberties Law Review* 22: 323 (1987); Dorothy E. Smith, *The Everyday World as Problematic: A Feminist Sociology* (Northeastern University Press, 1987); Delgado, “Storytelling for Oppositionists and Others”; Kathy Abrams, “Unity, Narrative and Law,” in Austin Sarat and Susan S. Silbey, eds., *Studies in Law, Politics & Society* 13:3 (JAI Press, 1993); Kathy Abrams, “Hearing the Call of Stories,” *California Law Review* 79: 971 (1991); Lila Abu-Lughod, *Writing Women's Worlds* (University of California Press, 1993); Judith Rollins, *All Is Never Said: The Narrative of Odette Harper Hines* (Temple University Press, 1995).

136 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 199.

calling reconciliatory narratives false. One can critique them on all kinds of other grounds, such as their dangerous consequences or the inartful way in which they interpret existing narratives. But one cannot critique them on the grounds of being objectively untrue. However, investigating the question of whether Trump-era Christian conservative political and legal stories are true or false is central to understanding their narrative power. The mundane narratives of Christian nationalism, COVID denialism, and Stop the Steal are all nested within a broader sacred story that, just as Arendt feared, claims to have objective knowledge of a unitary, absolute truth. This unitary, absolute truth, they claim, is the only true story of American reality, past and present. This seemed to present me with a Hobson's choice: I could either hold on to narrative theory and abandon any attempts to really understand Trump-era Christian conservative narratives on their own terms; or I could abandon narrative theory and pursue a different sort of project—perhaps one focused on fact-checking their specific claims about history, or the pandemic, or the 2020 election, but not understanding the larger stories that ultimately motivated and gave energy and life to those claims

RESOURCES FOR SOLVING THE PROBLEM OF NARRATIVE TRUTH

In spite of this apparent contradiction between holding on to narrative theory's constructivist, post-positivist assumptions and engaging in empirical critique of social narratives, I started examining the ways that other scholars studying social, political, and legal phenomena had employed narrative theory. When I did so, I discovered a wealth of resources that might be able to help me thread the needle, analyzing *both* the narrative construction of Trump-era Christian conservative political and legal claims *and* the empirical truth of those claims. Two general aspects of narrative theory convince me that threading this needle is both possible and necessary. First, it is clear that human narrativity can involve *evaluation*. Christian Smith points out the inescapable fact that people possess the “capacity to talk across our narratives.”¹³⁷ Even if we “do not have at our disposal a universal, indubitable foundation of knowledge by which to judge our own and others' beliefs and stories neutrally, objectively, and definitively....people nevertheless keep on discussing and arguing and sometimes—often slowly and with great difficulty—actually seem to get somewhere.”¹³⁸

137 Smith, *Moral, Believing Animals*, 88.

138 Smith, *Moral, Believing Animals*, 88.

Part of this “getting somewhere” involves coming “to better understand” our own narrative by listening to others. This is partly why Hannah Arendt praised the virtues of “visiting” other narratives. Visiting is a natural process that takes place as I listen to “stories of an event from each of the plurality of perspectives that might have an interest in telling it.” As I do so, I make “‘present to my mind’ the vantage point of the storyteller, and I use my imagination to consider ‘how I would feel and think if I were in their place.’”¹³⁹ I also imagine “how I would respond as a character in a story very different from my own.”¹⁴⁰

But even beyond understanding, “getting somewhere” sometimes also involves revising or even discarding my previous narrative and converting to an entirely new narrative.¹⁴¹ Perhaps encountering someone else’s story causes me to have an “unusual illumination about life, which is granted at a Kairos moment.”¹⁴² This illumination may be nothing but a “fuzzy overlap of faith, hope, and love,”¹⁴³ or it may involve full-blown capture “by a set of inherently contestable principles that are made up of constantly “moving projects” whose work is nevertheless “assimilative and self-transforming.”¹⁴⁴ However we describe the experience, it is impossible to deny our lived experience of narrative evaluation and conversion happening, albeit not in the rational, objective manner assumed by traditional scholarship.

139 Jason E. Whitehead, “Tool or Lens? Worldview Theory and Christian Conservative Legal Activism,” *Journal of Law and Religion* 36 (2021): 29-66, 61, quoting Hannah Arendt, “Truth and Politics,” *New Yorker*, February 25, 1967, 49–88, at 49, 54, <https://www.newyorker.com/magazine/1967/02/25/truth-and-politics>.

140 Lisa Jane Disch, *Hannah Arendt and the Limits of Philosophy* (Cornell University Press, 1996), 158.

141 Smith, *Moral, Believing Animals*, 54, 89-91. See also Whitehead, “Tool or Lens?” 64.

142 David Naugle, *Worldview: The History of a Concept* (Grand Rapids: Wm B. Eerdmans, 2002), 77, citing Soren Kierkegaard, *Philosophical Fragments*, trans. Howard V. Hong and Edna H. Hong (Princeton University Press, 1985), 51; see also Martin Heidegger, *Being and Time*, trans. John Macquarrie and Edward Robinson (Harper and Row, 1927), 384.

143 Richard Rorty, “Faith, Responsibility, and Romance,” in *The Cambridge Companion to William James*, ed. Ruth Anna Putnam (Cambridge: Cambridge University Press, 1997) 84–102, at 96.

144 Stanley Fish, “Change,” in *Doing What Comes Naturally: Change, Rhetoric, and the Practice of Theory in Literary and Legal Studies* (Duke University Press, 1989), 141–60, at 152. See also, Stanley Fish, *Is There a Text in this Class? The Authority of Interpretive Communities* (Harvard University Press, 1980), 338–55, 365–69; Stanley Fish, “Almost Pragmatism: The Jurisprudence of Richard Posner, Richard Rorty, and Ronald Dworkin,” in *Pragmatism in Law and Society*, ed. Michael Brint and William Weaver (Westview Press, 1991), 47–81.

The second general aspect of narrative theory that convinces me of the desirability and possibility of threading the needle of narrative construction and empirical truth is the accountability that this narrative evaluation and conversion imply. Alasdair MacIntyre's and Charles Taylor's description of the narrative unity of human lives—the backward-looking and forward-looking dimensions of the human quest for identity—requires some kind of accountability between storytellers. “To be the subject of a narrative...is to be accountable for the actions and experiences which compose a narratable life. It is...to be open to being asked to give a certain kind of account of what one did or what happened to one.”¹⁴⁵ In this sense, it may be fair for some members of the community to require Christian conservative storytellers to be truthful, however truthfulness is defined. Of course, the idea of narrative unity allows Christian conservative storytellers to hold the rest of us accountable to the themes and plots of the larger sacred story that we all share.¹⁴⁶ Either way, though, the ability of some storytellers to hold others accountable does not entail imposing their stories as the only authoritative interpretation of the sacred story. Rather, all the storytellers—both Christian conservatives and their critics, for example—are caught up in a larger “interlocking set of narratives”: “I am part of their story, as they are part of mine. Asking what you did and why, saying what I did and why, pondering the difference between your account of what I did and my account of what I did, and vice versa, these are essential constituents of all but the simplest and barest of narratives.”¹⁴⁷

Being convinced that narrative evaluation both happens and needs to happen, though, is not the same thing as understanding how it happens. And since I was on the cusp of a very particular evaluation of Trump-era, I was in dire need of practical resources that would enable me to evaluate Trump-era Christian conservative narratives and thus hold them accountable for their dangers to liberal democracy while not reverting to a modern realist “fact-checking” mindset. So I went looking for good examples of other scholars who had used narrative theory to engage in their own projects of evaluating social, political, and legal stories

145 MacIntyre, *After Virtue*, 217.

146 MacIntyre, *After Virtue*, 218.

147 MacIntyre, *After Virtue*, 218.

Resources drawn from CRT and FemCrit sources

“Storytelling does not occur randomly or evenly across social interactions.”¹⁴⁸ Instead, because narratives are social practices...they are...likely to bear the imprint of dominant cultural meanings and relations of power.”¹⁴⁹ More specifically, existing social inequality “determines, among other things, when a story is expected, demanded, or disallowed.”¹⁵⁰ So one obvious place to look for examples and strategies of one group trying to hold the stories of another group accountable is in the scholarship of minority and women scholars who have challenged other dangerous narratives, such as white supremacy and patriarchy. So, I turned toward Critical Race Theory (CRT) and Feminist Critical Theory (FemCrit).

Making sense of the way CRT and FemCrit scholars use narrative and narrative theory requires understanding the distinction between insider and outsider narratives. “Insider” or “hegemonic” narratives are produced by socially dominant groups.¹⁵¹ The stories told by members of these groups “do more than simply reflect or express” the dominant ideology, whether that ideology is white supremacy, patriarchy, or even Christianity. Instead, “through their telling...stories come to constitute” the dominant ideology or “hegemony that in turn shapes [the] social lives and conduct” of the larger community.¹⁵² Insider or hegemonic narratives can have such a powerful effect on the larger community because of the way it normalizes their power, reminding insiders of their “power in relation to outgroups,” and providing them “with a form of shared reality in which its own superior position is seen as natural.”¹⁵³

Power relations are made to seem natural in dominant stories not because these stories explicitly foreground the existence of power, but precisely because they don’t. “[N]arratives contribute to hegemony to the degree that they efface the connections between ...particular” lived experiences and more “general” patterns of domination and subordination. Thus, a story with an explicitly racist or sexist plot is not nearly as powerful as a story whose plot has seemingly nothing to do racism or sexism but whose characters think and act in

148 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 206.

149 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 211.

150 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 206.

151 See, for example, Delgado, “Storytelling for Oppositionists and Others,” 2412; Richard Delgado, “On Telling Stories in School: A Reply to Farber and Sherry,” *Vanderbilt Law Review* 6: 665 (1993); Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 212.

152 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 212.

153 Delgado, “Storytelling for Oppositionists and Others,” 2412.

ways that reinforce racialized or sexualized norms. So powerful is this normalizing function of dominant narratives like racism and patriarchy that they colonize the personal stories of members of the community. Indeed, “the resilience of ideologies and hegemony may derive from their articulation within personal stories. Finding expression and being refashioned within the stories of countless individuals may lead to a polyvocality that inoculates and protects the master narrative from critique.”¹⁵⁴

By contrast, “outgroup” counter-stories are told by members of subordinated groups as a means of psychic self-preservation,” as a “means of lessening their own subordination,”¹⁵⁵ and also as a way of subverting or transforming the dominant narrative and the system of power it enables.¹⁵⁶ One way outsider narratives can do these things is by “emplotting” the very power relationship that dominant narratives seek to sublimate and take for granted.¹⁵⁷ This is why outsider narratives often strike us as “weird,” because they purposefully stand outside the norms of what make dominant stories seem “normal.”¹⁵⁸ By challenging the received wisdom in this way, outsider stories “can open new windows into reality, showing us that there are possibilities for life other than the ones we live.”¹⁵⁹

Often “[a]rtfully designed” as “parables, chronicles, allegories, and pungent tales,” the “graphic quality” of counterstories “can stir imagination” and “can jar the comfortable dominant complacency that is the principal anchor dragging down any incentive for reform.”¹⁶⁰ Derrick Bell’s “Space Traders” story is a good example of this: a chronicle about aliens who land on earth and offer to give us enough gold to pay off the national debt, a chemical that will eliminate air and water pollution, and limitless safe energy in return for us in exchange for us giving them all of our African-Americans.¹⁶¹ Another great example is Patricia Williams’ personal narrative about a white employee not

154 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 212. See also, Delgado, “Storytelling for Oppositionists and Others,” 2412.

155 Delgado, “Storytelling for Oppositionists and Others,” 2436-37.

156 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 217; Delgado, “Storytelling for Oppositionists and Others,” 2413.

157 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 218.

158 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 219-20.

159 Delgado, “Storytelling for Oppositionists and Others,” 2414.

160 Delgado, “Storytelling for Oppositionists and Others,” 2415. See also, Mari Matsuda, “Looking to the Bottom: Critical Legal Studies and Reparations,” *Harvard Civil Rights and Civil Liberties Law Review* 22: 323 (1987).

161 Derrick Bell, “Chronicle of the Space Traders,” *Rutgers Law Review* 42:1 (1990); See also Derrick Bell, *And We Are Not Saved: The Elusive Quest for Racial Justice* Basic Books, 1989).

buzzing her into a Benetton store while she was Christmas shopping in Soho.¹⁶² In response to the proliferation of these outsider or subversive counter-stories, especially in the early days of CRT, CRT and non-CRT thinkers began to debate and discuss the scholarly value of such stories. Very quickly, the problem of empirical verification came to the fore. “A major difficulty with storytelling,” wrote Daniel Farber and Suzanna Sherry in one of the most influential CRT anthologies, is verifying the truthfulness of particular stories.”¹⁶³

While acknowledging that narratives need not meet “formal social science standards,” Farber and Sherry nevertheless warned of the “risks [in] relying on unverified narratives.” Of course, the sort of risk that they had in mind—chiefly the risk of scholarly conclusions being wrong—is of an entirely different magnitude than the risk of the spread of COVID-19 or threats to the American electoral system that are posed by the Christian conservative narratives I was studying. But since both risks have to do with the truth value of the stories being investigated, there is no reason to think that the resources for dealing with the scholarly risk of outsider minority narratives would be inapplicable to the real-world societal risks of Christian conservative narratives. In both cases, the central question is how to determine whether the stories are true without imposing a standard of truth that undercuts the very assumptions about social reality that make the story impactful.

Moreover, Christian conservative groups themselves use outsider stories in the form of persecution narratives quite effectively to evoke public sympathy for their causes.¹⁶⁴ Taking on the style and general tone of a persecuted minority has helped the Christian conservative movement to put a human face on the injustice they perceive to be visited upon them and to evoke a sense of empathy.¹⁶⁵ Of course, I reject the notion that Christian conservatives

162 Patricia Williams, “The Death of the Profane: A Commentary on the Genre of Legal Writing,” in *Alchemy of Race and Rights* (Harvard University Press, 1991), 44-54.

163 Daniel A. Farber and Suzanna Sherry, “Telling Stories out of School: An Essay on Legal Narratives,” in Richard Delgado and Jean Stefancic, eds., *Critical Race Theory: The Cutting Edge*, Third Ed. (Temple University Press, 2013), 711-24, 719.

164 See, for example, Alliance Defending Freedom, “Stand with Jack Phillips,” accessed March 19, 2020, <https://www.adeflaw.org/stand-with-jack-phillips>

165 Daniel Bennett, *Defending Faith: The Politics of the Christian Conservative Movement* (Lawrence: University Press of Kansas, 2017), 128-133; Steven P. Brown, *Trumping Religion: The New Christian Right, the Free Speech Clause, and the Courts* (University of Alabama Press, 2002), 141-145; Matthew C. Moen, *The Transformation of the Christian Right* (University of Alabama Press, 1992), 126-37; Becket Fund for Religious Liberty, “HHS Mandate Information Central,” *Becket: Religious Liberty for All*, accessed July 24, 2019, <https://www.becketlaw.org/research-central/hhs-info-central/>; Becket Fund for Religious Liberty, “RFRA Central,” *Becket: Religious Liberty for All*, accessed July 24, 2019,

are actually a persecuted minority in the United States. To the contrary, Christian conservatives have traditionally been the insiders served by the hegemonic narrative, while persons affected negatively by Christian conservative-influenced policies—including women, LGBTQ persons, and racial minorities—are the “outsiders” who need to use counter-stories to challenge the dominant narrative. This has certainly been true for much of Western history and is still true in the United States during the Trump era, as demonstrated by the immense power the Christian conservative vote in getting Trump elected and changing the face of the Supreme Court, among other things.¹⁶⁶

<https://www.becketlaw.org/research-central/rfra-info-central/>; Amelia Thompson-DeVeaux, “The Christian Right Has A New Strategy On Gay Marriage: The Wedding Cake Case Before the Supreme Court Signals a Shift in Status for Evangelicals,” *FiveThirtyEight*, Dec. 5, 2017, <https://fivethirtyeight.com/features/the-christian-right-has-a-new-strategy-on-gay-marriage/>; Lee Epstein and Eric Posner, “Opinion: How the Religious Right Has Transformed the Supreme Court,” *New York Times*, Sep. 22, 2020, <https://www.nytimes.com/2020/09/22/opinion/supreme-court-religion.html>.

¹⁶⁶ See, for example, Andrew L. Whitehead, “Make America Christian Again: Christian Nationalism and Voting for Donald Trump in the 2016 Presidential Election,” *Sociology of Religion: A Quarterly Review* 79(2): 147-71 (2018); Philip Gorski, “Why Evangelicals Voted for Trump: A Critical Cultural Sociology,” *American Journal of Cultural Sociology* 5(3): 338–54 (2017); Ron Elving, “What Happened With Merrick Garland In 2016 And Why It Matters Now,” *NPR* (website), June 29, 2018, <https://www.npr.org/2018/06/29/624467256/what-happened-with-merrick-garland-in-2016-and-why-it-matters-now>; Harry Farley, “Evangelicals and the Supreme Court: Why it May Have Swung the Election,” *Christian Today*, last modified June 25, 2018, <https://www.christiantoday.com/article/evangelicals-and-the-supreme-court-why-it-may-have-swung-the-election/100314.htm>; Sarah P. Bailey, “White Evangelicals Voted Overwhelmingly for Donald Trump, Exit Polls Show,” *Washington Post*, last modified June 25, 2018, <https://www.washingtonpost.com/news/acts-of-faith/wp/2016/11/09/exit-polls-show-white-evangelicals-voted-overwhelmingly-for-donald-trump/>; Ruth Graham, “For Right-Wing Evangelicals, Kennedy’s Retirement Is Triumphant Vindication for Their Support of Trump,” *Slate.com*, last modified June 29, 2018, <https://slate.com/human-interest/2018/06/for-right-wing-evangelicals-anthony-kennedys-retirement-is-triumphant-vindication-for-their-support-of-trump.html>; Ruth Graham, “How Christian Conservatives Are Reacting to Trump’s Supreme Court Pick,” *Slate.com*, last modified July 26, 2018, <https://slate.com/news-and-politics/2018/07/brett-kavanaugh-nomination-the-religious-right-reacts.html>; Jessica Martinez and Gregory A. Smith, “How the Faithful Voted: A Preliminary 2016 Analysis,” *Facttank: News in the Numbers*, Washington, D.C.: Pew Research Center, November 9, 2016, <https://www.pewresearch.org/fact-tank/2016/11/09/how-the-faithful-voted-a-preliminary-2016-analysis/>; Ross Douthat, “Opinion: Christians in the Hands of Donald Trump,” *New York Times*, March 16, 2017, <https://www.nytimes.com/2017/03/15/opinion/christians-in-the-hands-of-donald-trump.html>; Jeremy W. Peters, “‘This is Why We Wanted This Guy’: Conservatives Push Trump to Fill Court Seat Quickly,” *New York Times*, Sep. 19, 2020, <https://www.nytimes.com/2020/09/19/us/politics/trump-supreme-court.html>; Peter Baker and

Still, the Christian conservative worldview has been declining in salience within contemporary American culture just as it has in other liberal democracies.¹⁶⁷ Due to this declining salience many Christian conservative leaders, activists, and ordinary people perceive that they are losing cultural ground.¹⁶⁸ Thus, while Christian conservatives are by no means marginalized in the way and to the extent that racial minorities, women, and LGBTQ persons have been in America, they have their own reasons for telling their stories in a way that attempts to resist what they perceive as a hegemonic progressive narrative arrayed against them.

In this light, some of Farber and Sherry's strategies for analyzing outsider narratives seem like strategies that might make sense for analyzing Trump-era Christian conservative narratives. Some of these strategies are:

- **Honesty:** Even if we acknowledge that “the meaning of ‘truth’ is...contested,” that “philosophical disputes over the nature of truth” are unhelpful for assessing social narratives, and that we do not want to “subscribe to any form of positivist or correspondence theory of truth,” we cannot avoid the question of whether a CRT scholar's account is actually “what it purports to be.”¹⁶⁹ Likewise, we can examine Christian conservative narratives for genuineness and authenticity, quite apart from their objective truth. When they distort the facts of American history, or the scientific data about COVID-19, or the details of what happened on election night, they may be telling stories instrumentally in order to advance their political or social

Maggie Haberman, “Trump Selects Amy Coney Barrett to Fill Ginsburg’s Seat on the Supreme Court,” *New York Times*, Sep. 25, 2020, <https://www.nytimes.com/2020/09/25/us/politics/amy-coney-barrett-supreme-court.html>; Frank Newport, “Religious Group Voting and the 2020 Election,” *Gallup* (website), Nov. 13, 2020, <https://news.gallup.com/opinion/polling-matters/324410/religious-group-voting-2020-election.aspx>; Tom Gjelten, “2020 Faith Vote Reflects 2016 Patterns,” *NPR* (website), Nov. 8, 2020, <https://www.npr.org/2020/11/08/932263516/2020-faith-vote-reflects-2016-patterns>.

¹⁶⁷ See, for example, Anne Phillips, “Religion: Ally, Threat, or Just Religion?” in *Religion, Secularism, and Constitutional Democracy*, ed. Jean L. Cohen and Cécile Laborde (Columbia University Press, 2016), 47–65, 51, 61; Aurelia Bardon, “Religious Arguments and Public Justification,” in Cohen and Laborde, *Religion, Secularism, and Constitutional Democracy*, 273–92, at 283.

¹⁶⁸ Rod Dreher, *The Benedict Option: A Strategy for Christians in a Post-Christian Nation* (Sentinel, 2017); Esolen, *Out of the Ashes*; Reno, *Resurrecting the Idea of a Christian Society*; Arlie Russell Hochschild, *Strangers in their Own Land: Anger and Mourning on the American Right* (New Press, 2016).

¹⁶⁹ Farber and Sherry, “Telling Stories Out of School,” 719.

interests. Or when Christian conservatives pass on tropes about threats to their national and religious identity that seem disconnected from their experience—tropes about threats to religious freedom, say, or the dangers of gay or trans rights—they may be using narrative inauthentically. The empirical facts still need to be investigated, but the facts are not being used to establish the truth of the matter but rather to illustrate the mismatch between the point or moral of a story and the purpose and intention of the storyteller.

- **Typicality:** Even if an individual story is true to someone’s experience, it may be atypical when compared to other experiences of similarly situated people with similar values and outlooks. But “the importance of typicality depends partly on the use of a particular story. If the story aims to suggest a hypothesis or a possible causal mechanism, then a prior showing of typicality is unnecessary. On the other hand, if the story is being used as the basis for recommending policy changes, it should be typical of the experiences of those affected by the policy.”¹⁷⁰ If CRT scholars, for example, use a personal narrative about the effects of microaggression to advance their argument for systemic change in workplace language and culture, it is fair to ask the extent to which that narrative resonates in the lives of the minorities in that workplace. This inquiry into typicality may be especially helpful for evaluating Christian conservative stories about COVID and election fraud, which are being used to advance public health-related and election security policy and law. Again, “typicality is unrelated to any commitment to objectivity as a philosophical position. Instead, we are merely asking, ‘if we checked with more people in the same situation, how many of them would tell similar stories?’”¹⁷¹
- **Coherence.** At the very least, a narrative should be internally plausible and externally comprehensible to its audience.¹⁷² Of course, different narrative conventions for plausibility and comprehensiveness exist in different arenas and for different audiences. A story that purports to explain the relationship between quantifiable measures of racial equality may be plausible and

170 Farber and Sherry, “Telling Stories Out of School,” 720.

171 Farber and Sherry, “Telling Stories Out of School,” 720.

172 See Farber and Sherry, “Telling Stories Out of School,” 722-23; Kathryn Abrams, “Hearing the Call of Stories,” *California Law Review* 79:971-1052, 1002 (1991).

comprehensible to a scholarly audience but not to a group of racial justice advocates. And a CRT parable or chronicle dramatizing the inner logic of racism may seem plausible and comprehensible to activists, thus raising their level of internal solidarity. Subversive stories often transgress these norms, as with CRT scholars like Derrick Bell and Patricia Williams who use story telling in their scholarship as a way to counter hegemonic paradigms and systems of thought like racial neutrality and color blindness seem normative. Christian conservative stories about American history or contemporary religious persecution are also bent on a kind of subversion: of the progressive “myth” of a founding influenced more by the Enlightenment than by religious beliefs or of the “myth” of liberal tolerance. In both cases, though, the subversion only works if the story is well told and if the audience “gets it” on some level. Just like with many fictional stories, the impact will be felt most if the narrative is crafted in a way that seems real and connects up to larger themes that the audience already accepts. We can examine the “facts” used in Christian conservative narratives not to judge their empirical correctness but rather to evaluate whether the details are self-contradictory or so far-fetched as to lose their subversive power.

- **Falsifiability.** One of the distinguishing features of empirical scholarship is that it is “an interactive activity” that “invites reply.”¹⁷³ Not only must the reader “be able to disagree with the author and dispute her ideas,” but the ideas themselves must be posed in a way that makes it easy to tell what evidence would be necessary to disconfirm them. Of course, this standard of scientific falsifiability is inapplicable to social narratives. But Farber and Sherry propose “a weaker version” for narrative CRT scholarship that might also be applicable to Christian conservative stories. “Something cannot be scholarship if it cannot be disputed,” they claim, because “[p]ersuasion, the ultimate goal of all scholarship, requires the active participation of the reader and thus must admit some form of counterargument.”¹⁷⁴ For this reason, personal narratives devoid of analysis generally do not satisfy this requirement because it will often be impossible to make counterarguments to them.¹⁷⁵ I would

173 Farber and Sherry, “Telling Stories Out of School,” 723.

174 Farber and Sherry, “Telling Stories Out of School,” 723.

175 Farber and Sherry, “Telling Stories Out of School,” 723.

propose an even weaker version of falsifiability for social narratives, but one that still focuses on the need to invite reply. If a story is posed as the story that makes conclusive, definitive sense of national identity, legal history, or political trends, it must at least in theory be subject to correction by other stories that also claim to be the story of these things. We need not go as far as Arendt, for example, in rejecting all religious stories as anti-democratic. But we can nevertheless “test” such reconciliatory stories against other possibilities, such as redemptive stories. Also, we can insist that storytellers “present some analysis” defending the credibility of their interpretation of the historical, social, religious and other cultural themes that their narratives are drawing upon.¹⁷⁶

Kathryn Abrams assesses the use of narrative by feminist legal scholars, and in the process of doing so, she outlines some strategies that might be helpful in assessing other narratives.¹⁷⁷ She reviews some of the different stories told by feminist scholars, such as Patricia Williams,¹⁷⁸ Susan Estrich,¹⁷⁹ and Martha Mahoney,¹⁸⁰ and she wrestles with the problem of whether they are “true” in the sense that they are “reliable account[s] of something that occurred.”¹⁸¹ Then, she surveys some traditional critiques of the truthfulness of these stories: the absence of neutral arbiters or adversarial techniques for testing credibility, negative reactions to the emotion of these narratives, arguments that they are merely idiosyncratic experiences that are not typical, and the fear that the experimental quality of narrative claims may privilege those who have had the experience and exclude those who have not, inviting the dangers of relativism.¹⁸² While acknowledging the power of some of these critiques, Abrams nevertheless outlines some strategies for assessing feminist narratives that are not premised on evaluating their objective truth:

176 Farber and Sherry, “Telling Stories Out of School,” 723.

177 Abrams, “Hearing the Call of Stories.”

178 See Patricia Williams, “The Obliging Shell: An Informal Essay on Formal Legal Opportunity,” *Michigan Law Review* 87: 2128 (1989).

179 See Susan Estrich, “Rape,” *Yale Law Journal* 95: 1087 (1986).

180 See Martha R. Mahoney, “Legal Images of Battered Women: Redefining the Issue of Separation,” *Michigan Law Review* 90:1 (1991).

181 Abrams, “Hearing the Call of Stories,” 978.

182 Abrams, “Hearing the Call of Stories,” 978-80.

- **Credibility.** When people testify in court, they tell a story that is not based on a God’s-eye viewpoint or a neutral, objective standpoint. Witness stories are based instead on their own individual perspective. Juries evaluate those stories not on the basis of their accuracy in describing the defendant’s guilt or liability, but rather on the basis of the witness’s credibility. If the judge or jury finds the testimony credible, they can then use it to draw their *own* narrative conclusions about guilt or liability. Similarly, as Abrams notes, we can choose to believe or not believe a narrative about sexual assault, violence against women, or any other feminist narrative “in the same way, and for many of the same reasons that [we] would believe an effective witness in the courtroom.”¹⁸³ Like juries, we are entitled to ask whether such stories “have an acceptable degree of internal consistency, create a plausible account of a particular set of events, and do not seem suspicious in tone.” Of course, empirical falsity, ferreted out on cross-examination or by comparison of the testimony with other facts we have better reason to believe, is relevant to the question of witness credibility. But not being empirically false serves as more of a minimal condition than a determinative criterion for evaluating a witness’s story. Similarly, we might evaluate the credibility of Trump era Christian conservative stories by inquiring into the credibility of the way they tell their stories: does their story about American history or COVID-19, or election fraud contradict itself in any key points? Do the details seem like the kinds of details that they would be in a position to know?
- **Resonance.** When we read literature, empirical validity is obviously ruled out as a criterion of truth. There can be no question of approaching *Brothers Karamazov* or *A Good Man is Hard to Find* with the realist philosophical presumption that the story describes something in the world accurately and objectively. Nevertheless, I do ask myself whether the story “resonate[s] with something I know about myself or those around me.” Of course, the particular type of resonance will depend heavily on things like literary genre, historical setting, and the point of view from which a story is told, not to mention the literary taste and personal background of the reader. *The Sound and the Fury* will not resonate for the same readers and in the same manner as *To Kill a Mockingbird*. Still, if there is something about a plot that does not match my view of what a real person would

183 Abrams, “Hearing the Call of Stories,” 1002.

say and do under similar circumstances, I feel justified in putting the book down and concluding that the author may just not be for me. Similarly, Abrams evaluates some feminist legal narratives in the same way she evaluates “a good piece of literature”: even though she has not herself lived through the particulars of the experiences of black feminists like Patricia Williams, for example, upon reading her stories, Abrams is “reminded, immediately, of the ways that Jews have struggled to define the non-Jewish world in a way that makes us part of it” or “all the times” she has “been silently complicit in the mistreatment of blacks.”¹⁸⁴ Similarly, reading the narratives of Christian conservatives, perhaps I can pay less attention the empirical veracity of particular details and facts and more attention to “their subtle invocation of something common and recurring that triggers [or does not trigger] my assent.”¹⁸⁵

- **Epistemological reframing**. Sometimes our failure to understand and solve complex social, political, or legal problems “is not so much evidentiary as epistemological.” Our pursuit of data and evidence about the causes and solutions to the problem is based on a variety of paradigmatic assumptions about what the problem is and what counts as valid evidence about it.¹⁸⁶ In thinking about race and sex discrimination, for example, “we must rethink the question of how we know” about these things. Abrams identifies two components of how narratives can spur this rethinking. First, she says, narratives can help us rethink a problem to the extent that they focus on the experience of life that the story presents. Presenting the “knotty details of life” as lived by the human beings who are caught up in the problem, she says, can encourage scholars and decisionmakers to pay more attention to the lived experience of the problem.¹⁸⁷ Second, paying attention to the “variety of perspectives” represented by lived experience of a problem helps scholars and decision makers learn to “view the world from more than a single, reflexive position.”¹⁸⁸ Similarly, Christian conservative stories of America’s turn away from its godly heritage, COVID-19 restrictions as threats to religious freedom, and how the

184 Abrams, “Hearing the Call of Stories,” 1003.

185 Abrams, “Hearing the Call of Stories,” 1003.

186 See Thomas F. Kuhn, *The Structure of Scientific Revolutions* (2d ed. 1970).

187 Abrams, “Hearing the Call of Stories,” 1004.

188 Abrams, “Hearing the Call of Stories,” 1004.

2020 election was rigged by socialist Democrats bent on persecuting Christians can be seen as false claims about empirical reality. But they can also be seen as evidence of how Christian conservatives themselves are experiencing life in America today.

Resources drawn from other socio-legal sources

In navigating the problem of how to evaluate Trump Era Christian conservative narratives without succumbing to a positivist understanding of empirical reality, I also found useful some ways that post-positivist scholars outside of the CRT and FemCrit traditions have evaluated other socio-legal phenomena. Haltom and McCann's study of "tort tales" is a good example.¹⁸⁹ They "find much of value in the realist account" of stories circulating in media and popular culture about tort litigation and the need for tort reform, mainly because "there is a lot of bunk out there" concerning this controversy and they "are happy to join the chorus of debunkers."¹⁹⁰ Nevertheless, they also "find the typical realist argument inadequate for addressing a variety of important empirical and interpretive questions."¹⁹¹ Most importantly, Haltom and McCann argue, realist analyses of tort tales "miss, and often obscure, the narratives' compelling ideological grounding."¹⁹² In other words, "the reigning common sense" illustrated in these stories "expresses normative appeals to deeply rooted values and moralistic homilies as well as empirical claims about legal practice."¹⁹³ Haltom and McCann's attention to this "ideological grounding" of tort tales "aims less to take sides in partisan debates about tort reform" by debunking the empirical claims made by tort tales "than to focus on how the core logics" those empirical claims tap into and how they "matter for law, politics, and power more broadly in contemporary American society."¹⁹⁴ This results in two different strategies for addressing these narratives, both of which might also be useful in my own research into Christian conservative political and legal narratives.

- **Agenda setting.** Haltom and McCann's study focuses on the way that narratives can divert public discourse and opinion from one way of

189 William Haltom and Michael McCann, *Distorting the Law: Politics, Media, and the Litigation Crisis* (Chicago, IL: University of Chicago Press, 2004).

190 Haltom and McCann, *Distorting the Law*, 8.

191 Haltom and McCann, *Distorting the Law*, 9.

192 Haltom and McCann, *Distorting the Law*, 9.

193 Haltom and McCann, *Distorting the Law*, 9.

194 Haltom and McCann, *Distorting the Law*, 10.

understanding the public issues and policies they are addressing to another understanding of those things.¹⁹⁵ Rather than focusing on how “how empirical facts are violated,” they focus on “how certain ...narratives develop, circulate, and come to be accepted as a truth of social life, while many other plausible [narratives] are discarded, displaced, or diminished.”¹⁹⁶ Similarly, even without buying into a realist “debunking” mindset, I can examine, for example, the way that Christian nationalist narratives about American history divert attention within the Christian conservative community away from understanding religious exemptions to gay rights laws as a complex public policy balance between different constitutionally protected identities to an understanding of those controversies as totalitarian threats to the godly American covenant. Or, I can examine the way that Christian conservative narratives about a stolen election divert attention away from understanding how conservative claims about election irregularity were themselves a central part of the effort to subvert a constitutional power transfer.

- **The logic of social action.** Haltom and McCann suggest that narratives can “nurture pervasive cultural pressures that encourage” certain forms of legal action and inaction.¹⁹⁷ Narratives can accomplish this because they tap into “prevailing norms” that “stigmatize certain types of action while privileging others, disciplining citizens into enacting the visions celebrated” in the narratives.¹⁹⁸ Similarly, I can examine the way that Christian conservative narratives about COVID-19 restrictions tapped into a prevailing discourse within their community about their own marginalization and the growing power of an anti-Christian left. This might help illuminate the reasons why the Christian conservative community ignored bipartisan public health policies and instead pursued legal action against those policies. Finally, Ewick and Silbey’s critical literature review of “subversive stories and hegemonic tales” point to some other helpful resources uncovered by other socio-legal scholars who study narratives.¹⁹⁹ In particular, Ewick and Silbey note

195 Haltom and McCann, *Distorting the Law*, 9.

196 Haltom and McCann, *Distorting the Law*, 11.

197 Haltom and McCann, *Distorting the Law*, 9.

198 Haltom and McCann, *Distorting the Law*, 9.

199 Ewick and Silbey, “Subversive Stories and Hegemonic Tales.”

four particular aspects of the social organization of narratives, which suggest ways to evaluate the truth-value of narratives without losing sight of the fact that the narratives are both constructed by and constructive of the very truths they convey.

- **Context of elicitation.** Since storytelling “does not occur randomly or evenly across social interactions,” the particularities of various social institutions, interactions, and dynamics influence and sometimes determine “when a story is expected, demanded, or disallowed.”²⁰⁰ For example, total institutions like prisons and mental hospitals foster a culture of threat to identity and status, which influences inmates to produce and expect others to produce “sad tales” that “account for their current status in the institution.”²⁰¹ Similarly, different court proceedings encourage or demand the production of certain sorts of narratives by women seeking legal relief—such as anecdotal evidence of individual sex discrimination or personal stories about the need for a minor to obtain an abortion—which reinforce larger narratives of formal legal equality or female powerlessness.²⁰² Christian conservative stories are often told or at least retold within fundamentalist and evangelical churches. These churches subscribe to a theology and promote a culture of insider-outsider logic, where distinctions like “saved” and unsaved, and church and “the world” proliferate²⁰³. This context may help explain why narratives about the decline of America’s godly heritage since

200 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 206.

201 Erving Goffman, *The Presentation of Self in Everyday Life* (New York, NY: Anchor Books, 1959); Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* (Anchor Books, 1961), Erving Goffman, *Stigma* (Prentice-Hall, 1963), and Erving Goffman, *Interaction Ritual* (Pantheon Books, 1967), cited in Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 206

202 Carol Sanger, “Law as Litany: Teenage Abortion Hearings,” Paper presented at Law & Society Association annual meeting, Chicago, IL, 1993 and Vicki Schultz, “Women ‘Before’ the Law: Judicial Stories about Women, Work, and Sex Segregation on the Job,” in Judith Butler and J. W. Scott, eds., *Feminists Theorize the Political* (Routledge, 1992), cited in Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 206-07.

203 See, for example, Alan Peshkin, *God’s Choice: The Total World of a Fundamentalist Christian School* (University of Chicago Press, 1986), 257-75 (discussing a Fundamentalist church and school as an illustration of Ervin Goffman’s concept of a “total institution”); Corwin Smidt, “Evangelicals within Contemporary American Politics: Differentiating between Fundamentalist and Non-Fundamentalist Evangelicals,” *The Western Political Quarterly* 41: 601-620 (1988), 602; George M. Marsden, *Fundamentalism and American Culture: The Shaping of Twentieth-Century Evangelicalism, 1870-1925* (Oxford University Press, 1980), 3-4; Mark A. Knoll, *The Scandal of the Evangelical Mind* (Eerdman’s, 1994), 123

the 1960s, or about COVID-19 restrictions on worship services, take the form of jeremiads against religious persecution.

- **Content construction.** The content of narratives is also “governed by social norms and conventions...within different cultural and institutional settings.”²⁰⁴ The norms and conventions within these institutional settings, such as courtrooms, “define what constitutes an appropriate or successful narrative,” by setting standards of “intelligibility, relevance, and believability,” and by “specifying what serves as validating responses or critical rejection.”²⁰⁵ For example, courts favor litigants who tell more rule oriented stories, rather than relationally oriented stories by seeing the former as coherent and concise and the latter as rambling and irrelevant.²⁰⁶ Importantly, these and other sorts of legal content constructions act independently of empirical validity or reliability. True accounts may be disbelieved, and false accounts may be believed, based only on the successful or unsuccessful deployment of symbols and norms privileged by legal institutions.²⁰⁷ Norms of constitutional interpretation provide some of the most powerful narrative norms in the entire legal system. Trump-era Supreme Court and lower court appointments have been drawn largely from the ranks of the Federalist Society, which champions a textualist mode of statutory interpretation, urging judges to interpret statutes according to their strict grammatical and definitional context, and an “originalist” mode of constitutional interpretation, urging judges to interpret ambiguous constitutional language in light of its original public meaning at the time of the founding.²⁰⁸ Within

204 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 207.

205 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 207, citing Charles Derber, *The Pursuit of Attention* (Oxford University Press, 1979); W. Lance Bennett, “Storytelling in Criminal Trials: A Model of Social Judgment,” *Quarterly Journal of Speech* 64:1 (1978). W. Lance Bennett and Martha S. Feldman, *Reconstructing Reality in the Courtroom* (Rutgers University Press, 1981); John M. Conley and William M. O’Barr, *Rules Versus Relationships: The Ethnography of Legal Discourse* (University of Chicago Press, 1990).

206 Conley and O’Barr, *Rules Versus Relationships*, 58, cited in Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 207.

207 Bennett, “Storytelling in Criminal Trials,” 17, cited in Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 208.

208 Robert O’Harrow, Jr. and Shawn Boburg, “A Conservative Activist’s Behind-the-Scenes Campaign to Remake the Nation’s Courts,” *The Washington Post*, May 21, 2019, <https://www.washingtonpost.com/graphics/2019/investigations/leonard-leo-federalists-society-courts/>; Andrew Resticcia and Michael C. Bender, “Trump’s Supreme Court

this conservative narrative context, Christian conservative claims about America's Christian heritage, the pro-Christian meaning of religious freedom, and Christian conservative positions on social issues like abortion and LGBTQ rights often find welcoming judicial ears.²⁰⁹ The groundwork for this welcome is not just a crass political logic, but it may be a common story told by both regular conservatives and Christian conservatives about how to interpret authoritative texts.²¹⁰

- **Narrative transaction.** “The social organization of narrative or storytelling” regulates not only when and what kinds of stories can be told, but “it also governs...how stories are told.”²¹¹ Social norms, such as those followed by judges who oversee courtroom testimony, “specify rules of participation,” which “assign the roles of storyteller and audience,” and they “also define when and by whom a narrative might be interrupted, interrogated, or elaborated upon.”²¹² The organization of power and authority within fundamentalist and evangelical communities may help explain how Trump-era Christian conservative stories are told and heard. Specifically, the archetypal authority within these communities is the Biblical text, which seen as perspicuous and

Nomination Strategy Steered by White House Counsel, Others,” *Wall Street Journal*, September 19, 2020, <https://www.wsj.com/articles/white-house-counsel-others-steer-trumps-supreme-court-nomination-strategy-11600553569>; Amanda Hollis-Brusky, *Ideas With Consequences: The Federalist Society and the Conservative Counterrevolution* (Oxford University Press, 2015), 20, 98- 99.

209 Adam Liptak, “An Extraordinary Winning Streak fore Religion at the Supreme Court,” *The New York Times*, April 5, 2021, <https://www.nytimes.com/2021/04/05/us/politics/supreme-court-religion.html>

210 The idea that there is an overlap between conservative modes of legal interpretation and fundamentalist and evangelical modes of biblical interpretation has been explored by others. See, for example, Crapanzano, *Serving the Word*, 6-7, 229-236; Thomas C. Grey, “The Constitution as Scripture,” *Stanford Law Review* 37: 1-25 (1984); Levinson, “The Constitution in American Civil Religion”; Levinson, *Constitutional Faith*; Lerner, “Constitution and Court as Symbols”; Pelikan, *Interpreting the Bible and the Constitution*; Ronald Dworkin, *Law’s Empire* (Harvard University Press, 1986), 214-15, 413; Gerald J. Postema, “Protestant Interpretation and Social Practices,” *Law and Philosophy* 6: 283-319 (1987); Pierre Schlag, “Law as the Continuation of God by Other Means” *California Law Review* 85 (1997): 427-440, 428.

211 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 208, citing Barbara Herrnstein Smith, “Narrative Versions, Narrative Theories,” *Critical Inquiry* 7: 213 (1980).

212 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 208, citing Conley and O’Barr, *Rules Versus Relationships*, 171.

inerrant.²¹³ Especially in Christian nationalist circles, these norms of biblical authority can easily bleed over into stories about the interpretation of the Constitution, making Christian conservatives particularly susceptible to claims that the Constitution speaks with clarity and purity. Moreover, just as the influence of Supreme Court Justices is relate to their skill in interpreting statutory and constitutional language, pastors and teachers within the Christian conservative community often gain influence and power in proportion to their skill in interpreting the Bible for their congregations.²¹⁴ The nature of this interpersonal authority can easily make Christian conservative laypersons more open to accepting with little critical judgment stories spun by authors and speakers who pronounce *the* meaning of American history or *the* meaning of current events, such as a pandemic or an election.²¹⁵

- **Strategy.** “Narrators tell tales in order to achieve some goal or advance some interest,” such as entertainment, persuasion, exoneration or indictment, enlightenment, or instruction.²¹⁶ Narrators try to achieve these interests within “the rules, expectations, and conventions of particular situations,” such as courtrooms.²¹⁷ Within these institutional situations, “members of an audience,” such as judges and juries, construct the narrative by “requesting certain details, ignoring others, validating or rejecting [the] plot, characterization, or ending.”²¹⁸ Examination and cross-examination of witnesses by attorneys serves this strategic function well, for example, by licensing and incentivizing both the downplaying and the exaggeration of certain details of a witness’s story and certain details about how the witness tells that

213 See, for example, Crapanzano, *Serving the Word*, 7; Marsden, *Fundamentalism and American Culture*, 56-59, 61, 113-14.

214 Crapanzano, *Serving the Word*, 7, 69-75; Knoll, *The Scandal of the Evangelical Mind*, 125; Nancy Tatom Ammerman, *Bible Believers: Fundamentalists in the Modern World* (Rutgers University Press, 1987), 120-133; Burt, “Constitutional Law and the Teaching of the Parables,” *Yale Law Journal* 93:455-502 (1984), 467; Schlag, “Law as the Continuation of God by Other Means,” 428.

215 Crapanzano, *Serving the Word*, 73-74; Gutterman, *Prophetic Politics*, 41-42 (distinguishing between teleological narratives that are “at home” in the world and other narratives that are not quite at home).

216 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 208.

217 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 208.

218 Ewick and Silbey, “Subversive Stories and Hegemonic Tales,” 208-09.

story.²¹⁹ Claims about America's Christian heritage, for example, or about religious persecution or the dark forces at work behind election fraud can easily be seen through this strategic lens. Given demographic and cultural declines in Christian conservative influence,²²⁰ it makes sense that they would intensify their already-existing rights-based legal strategy designed to play up their status as one minority among many in need of legal protection.²²¹ It also makes sense that they would tell stories about these lawsuits designed to play up their status as cultural victims.²²²

219 James Holstein, "Court Ordered Incompetence: Conversational Organization in Involuntary Commitment Hearings," *Social Problems* 35: 458 (1988) and Jay Watson, "Making Do in the Courtroom: Notes on Some Convergences between Forensic Practice and Bricolage, in Susan S. Silbey and Austin Sarat, eds., *Studies in Law, Politics & Society* 14: 119 (JAI Press, 1994).

220 Nearly every major Christian group shrunk over the decade or so before Trump's election. See "America's Changing Religious Landscape," *Pewforum.org*, May 12, 2015, <http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/>; Daniel Cox and Robert P. Jones, "America's Changing Religious Identity." *PRRI*. <https://www.prii.org/research/american-religious-landscape-christian-religiously-unaffiliated/> (accessed 24 July 2018). At the same time, traditional Christian views of marriage and sexuality were becoming less persuasive even to Christian conservatives themselves. Pew Research Center, "Attitudes on Same-Sex Marriage," *Pewforum.org*, June 26, 2017, <http://www.pewforum.org/fact-sheet/changing-attitudes-on-gay-marriage/>; Cox and Jones, "America's Changing Religious Identity"; Jeff Diamant and Becka A. Alper, "Though Still Conservative, Young Evangelicals are More Liberal Than Their Elders on Some Issues," *Pew Research Center*, 2017, <http://www.pewresearch.org/fact-tank/2017/05/04/though-still-conservative-young-evangelicals-are-more-liberal-than-their-elders-on-some-issues/> (accessed 24 July 2018).

221 See, for example, Bennett, *Defending Faith*, 128-133; Brown, *Trumping Religion*, 141-145; Moen, *The Transformation of the Christian Right*, 126-37; Becket Fund for Religious Liberty, "HHS Mandate Information Central," *Becket: Religious Liberty for All*; Becket Fund for Religious Liberty, "RFRA Central"; Thompson-DeVeaux, "The Christian Right Has A New Strategy On Gay Marriage: The Wedding Cake Case Before the Supreme Court Signals a Shift in Status for Evangelicals"; Epstein and Posner, "Opinion: How the Religious Right Has Transformed the Supreme Court."

222 See, for example, Alliance Defending Freedom, "Stand with Jack Phillips," accessed March 19, 2020, <https://www.adegal.org/stand-with-jack-phillips>; Warren Richey, "For Those on the Front Lines of Religious Liberty Battle, a Very Human Cost," *The Christian Science Monitor*, July 16, 2016, <https://www.csmonitor.com/USA/Justice/2016/0716/For-those-on-front-lines-of-religious-liberty-battle-a-very-human-cost>.

CONCLUSION: SOLVING THE PROBLEM OF FALSE NARRATIVES

Contemplating these resources, I am confident that I can do two things at once in my analysis of Christian conservative narratives. On the one hand, I can hold on to the claim that Christian conservative narratives—like everyone else’s narratives—are mutually constitutive. Whether they are true or false, narratives about the godly character of the nation and the dangers of defacing that character constitute what it means to be a Christian conservative in 2022. This is the master narrative within which individual and collective Christian conservative identity finds and defines itself. And just as surely, Christian conservative identity comprises the lens through which they understand and tell new stories about contemporary events like Supreme Court cases, the pandemic or the election. In tracing and analyzing this function of Christian conservative narratives, debunking or fact-checking is beside the point: the mutually constitutive power of the narratives is simply not dependent on their empirical truth or falsity. In fact, the stories a Christian conservative (and everyone else) tells about empirical reality are themselves the standard by which they determine the truth or falsity of that reality.

On the other hand, though, I can also hold on to my goal of using a narrative analysis to evaluate and critique the stories that Christian conservatives tell. This evaluation and critique cannot take the form of simple realist debunking or fact-checking, because those modes of analysis assume that the debunker or fact checker occupies a position outside of narrative, from which they can evaluate stories, comparing them to objective fact. This assumption is faulty because the same mutual narrative construction is taking place for the debunker or fact checker. I also have an identity (scholar, professor, analyst) that is constituted through and through by the stories in which I find myself and that, in turn, constitutes the work I do. These stories are what make my scholarly investigation seem interesting and worthwhile in the first place, and what make my techniques of analysis seem plausible.

The discovery that I am narratively constituted every bit as much as the people I am investigating need not impair or prevent me from carrying out an evaluation and critique of Christian conservative narratives. I just had to learn the right techniques from other scholars who have found themselves in the similar situation of encountering social and individual stories that their own stories tell them are false and dangerously false. CRT scholars interacting with entrenched racial narratives, FemCrit scholars interacting with patriarchal narratives, and other socio-legal scholars interacting with other narratives, have

all taught me that the way to battle a narrative is not to try and step outside of narrative but instead to enter into it as fully as I can, paying attention to all kinds of things along the way concerning the content of the story as well as how it is told:

- honesty
- typicality
- coherence
- falsifiability
- credibility
- resonance
- epistemological reframing
- agenda setting
- logic of social action
- context of elicitation
- content construction
- narrative transaction
- strategy

The key to using all of these resources is remembering my own narrative constitution. The trick is to enter other stories that are not my own as fully as I can, visiting its characters and trying to see the world and the plot they enact through my own narrative lens. My own narrative preoccupations (chiefly the story of how liberal democracy is endangered by lies) are immensely helpful because they give me a concrete position from which to enter the conversation and engage in the task of inter-subjective accountability. In the end, inter-subjective accountability seems like a good way to describe the larger story of democratic deliberation that connects both the scholar and the subject. Within that larger story, perhaps scholar and subject can even interact on a more equal footing, one that recognizes our common predicament and destiny.