

The Courts, AA and Religion



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*Is traditional AA religious?
Is there a "God" in the Steps or in the Big Book? And what have the Courts had to say about the
religiosity of Alcoholics Anonymous?*

By Linda R.

Inside AA, one hears members frequently repeat the well-known phrase "AA is spiritual, not religious." AA takes pride in saying it's not religious. But what do outsiders, such as the court systems, think about AA's claim?

In the ten year period between 1996 and 2007, five high-level US courts — three federal circuit courts and two state supreme courts – did take a long and hard look at AA's claim. Each of these cases involved a person who was being forced to participate in AA meetings, either as a condition of their parole or probation, or while actually incarcerated. These cases reached the highest level of judiciary scrutiny – only one level below the US Supreme Court – because they involved the critical issue of separation of Church and State. This separation is a fundamental aspect of US law, known as the Establishment Clause, and is explicated in the first amendment to the US Constitution, which states "Congress shall make no law respecting an establishment of religion."

The parolees, probationers and inmates in each of these cases claimed that the State was using its power to force them to participate in a religious activity. They claimed that AA meetings were religious. Thus, their required attendance was a violation of the Establishment Clause, which requires governmental neutrality with respect to religion and a wall of separation between Church and State.

In Establishment Clause cases, the high-level courts use a three-part test to determine if the wall of separation has been violated. First, has the State acted? Second, does the action amount to coercion? And third, is the object of coercion religious rather than secular? The answer to the first part of the test was quickly answered: yes, these cases clearly showed action by the State, involving the governmental branches of probation, parole and imprisonment. The second test was likewise quickly answered: yes, the probationers, parolees and inmates were being coerced into AA attendance.

Next, the high-level courts addressed the third part of the test. They took a long look at the Big Book and its 200 references to God; a look at the Twelve Steps and their unmistakable references to God; the prayers in AA meetings; and based on a full examination of these, ruled that AA doctrines and practices must be viewed as religious. Because multiple high-level courts have ruled uniformly on this matter, these rulings now constitute “clearly established law” in the US. Here’s what one of these courts, the New York Court of Appeals, in the case of *Griffin v. Coughlin*, had to say about the matter:

A fair reading of the fundamental A.A. doctrinal writings discloses that their dominant theme is unequivocally religious.

Indeed, the A.A. basic literature most reasonably would be characterized as reflecting the traditional elements common to most theistic religions. Thus, God is named or referred to in five of the 12 steps. “Working” the 12 steps includes confessing to God the “nature of our wrongs” (Step 5), appealing to God “to remove our shortcomings” (Step 7) and seeking “through prayer and meditation” to make “contact” with God and achieve “knowledge of His Will” (Step 11).

While A.A. literature declares an openness and tolerance for each participant’s personal vision of God “as we understood Him” (Steps 3 and 11), the writings demonstrably express an aspiration that each member of the movement will ultimately commit to a belief in the existence of a Supreme Being of independent higher reality than humankind.

All of the meetings ended with the Lord’s Prayer, which is a specifically Christian prayer. In addition, those attending the meetings were strongly encouraged to pray.

The foregoing demonstrates beyond peradventure that doctrinally and as actually practiced in the 12-step methodology, adherence to the A.A. fellowship entails engagement in religious activity and religious proselytization. Followers are urged to accept the existence of God as a Supreme Being, Creator, Father of Light and Spirit of the

Universe. In “working” the 12 steps, participants become actively involved in seeking such a God through prayer, confessing wrongs and asking for removal of shortcomings. These expressions and practices constitute, as a matter of law, religious exercise.

Thus, while it is of course true that the primary objective of A.A. is to enable its adherents to achieve sobriety, its doctrine unmistakably urges that the path to staying sober and to becoming “happily and usefully whole,” is by wholeheartedly embracing traditional theistic belief.

Arguments were presented to the high-level courts in an attempt to persuade them that the early AA texts had implicitly been superseded by later more secular doctrines. The courts were urged to discount the religious nature of the Big Book and 12 Steps, first written in 1939, and instead to rely exclusively on the 12 Traditions portion of the *Twelve Steps and Twelve Traditions* volume published in 1952. But the court rejected those arguments. It saw a dichotomy of roles between the 12 Steps on the one hand and the 12 Traditions on the other. The courts said the 12 Traditions were “designed not to supersede the reverent doctrines and practices of the AA literature which we have already quoted, but to address the essentially secular issues the AA movement confronted as it achieved public acceptance.”

Because of the 12 Traditions, many groups in AA have grown comfortable thinking that their group is “not religious” particularly because the Traditions declare “against sectarian preference.” As if “religion” is only practiced by particular sects that self-declare themselves as religious, such as Catholics, Presbyterians, Methodists, or Baptists. As if ending a meeting with the Lord’s Prayer somehow doesn’t count.

While AA may not call itself a “religion,” these high court rulings clearly explain that when newcomers are told that in due course he or she should accept the existence of God as a requirement for continuous sobriety, and tell her or him to seek such a God through prayer, confessing wrongs to Him and asking Him for removal of shortcomings, and then expect the newcomer to recite the Lord’s Prayer at the end of meetings, the fellowship is in fact practicing “religion.”

Given that a major judicial system has branded the doctrines and practices of AA as religious, what does this mean for AA groups? Well, obviously one effect is that AA groups that use these doctrines and practices are now legally designated “religious.” At least in the US. In response, an AA group can illogically put its head in the sand, and not look at the facts in front of it. An AA group can cling to its own definition of “religious.” It can try to deny the long established and accepted definition of “religious” used in the world outside of AA, and used authoritatively by the US court system as the basis for designating AA doctrines and practices as “religious.”

But denial just makes an AA group look confused (at best) or dishonest (at worst) to the rest of the world. When a group adheres to religious doctrines and practices, the group shouldn’t expect the world to believe it when the group says it’s “not religious.” Repetition doesn’t make it true,

even though the saying is perpetuated and reinforced among the fellowship and with the newcomers.

Facts do not cease to exist because they are ignored.

Aldous Huxley

When will good-hearted people stop denying the obvious? The rest of the world perceives AA's doctrines and practices as religious. And anyone who had that impression will now feel confident that he or she was right, after reading about the rulings of the US courts. Especially the still suffering alcoholic who avoids giving AA a try because of the perception – now reinforced by the US court system – that AA doctrines and practices are religious.

How does AA extricate itself from this conundrum? If the fellowship has any hope of being a non-religious fellowship for ALL suffering alcoholics with a desire to stop drinking, and being recognized as such by the Courts and by the public at large, it lies in strengthening its commitment to the 12 Traditions. The Traditions do not require AA groups to embrace religious doctrines and practices.

And there are some groups within AA – agnostic, atheist, freethinking – that are not religious in their thinking or practice. These groups don't recite prayers in their meetings nor do they suggest that a belief in God is required to maintain sobriety. If they use the 12 Steps, they use a secular version that has no reference to "God." Ironically, groups that do not adhere to AA's religious doctrines and practices are also the only groups that can truly – and legitimately, according to the US court system – claim to be "spiritual, not religious."

AA is at a crossroads. There are already many non-religious groups in AA and there are more of these groups being formed every day. Perhaps this reflects the skyrocketing numbers of non-religious people being reported by every population survey and poll across the world. AA already has Traditions designed to service this population. But the inherent discord between the 12 Traditions (non-religious) and the 12 Steps (religious) is a threat to AA. As a result, AA risks being further marginalized as a force of recovery for the still-suffering alcoholic, as an unexpected consequence of its own inner contradictions.

Below are links to the judicial decisions for the five US high-level court cases.

1. [Griffin v. Coughlin \(1996\)](#)
 2. [Kerr v. Farrey \(1996\)](#)
 3. [Arnold & Evans v. Tennessee Board of Paroles \(1997\)](#)
 4. [Warner v. Orange County Dept. of Probation \(1999\)](#)
 5. [Inouye v. Kemna \(2007\)](#)
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