Panic over the Unknown: America hates Atheists

By Douglas L. Keene and Rita R. Handrich

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"If 'Guess Who's Coming to Dinner' was remade today, the 'shocking' guest would no longer be a highly accomplished, educated and sophisticated black man (Sidney Poitier) but a highly accomplished, educated and sophisticated atheist."[1]

"The prisons are probably filled with people who don't have any kind of a spiritual or religious core. So I don't have to worry about… a conservative Christian, you know, committing a crime against me."[2]

Contempt for out-groups—those members of society that are identified as "not like me"—is as old as time. But for all the awareness of bias, hate crimes, and prejudice against minorities, some get overlooked. Atheists are the most mistrusted, reviled, and disliked minority in the United States, according to numerous studies. Jews, African Americans, homosexuals, illegal immigrants, and even the much-mistrusted Muslim communities are all held in higher regard by the average American than are Atheists. The threat of spiritual alienation is more compelling than anything other than immediate injury.

It may be surprising that we Americans are more suspicious of atheists than we are of Muslims, but there you have it! Bias works in mysterious ways. Gad Saad's blog post last year[1] (Atheists Are the Most Mistrusted Group: They Are Evil and Immoral!) cast a bright light on a 2006 study published[2] (but previously largely unnoticed) by researchers from the University of Minnesota.

In this article, we examine today's surprisingly intense negative attitudes toward atheists, review what research tells us about "them" (atheists), and make recommendations for how you can use this information to improve your own litigation advocacy. Should you pay attention to potential triers-of-fact who espouse atheism? Let's put it this way: Can you ever afford to ignore intense personal values held almost universally by your jury?

The "Most Hated" Group In America

The American Mosaic Project at the University of Minnesota is focused on diversity in America with a particular focus on race and religion. Mosaic Project researchers asked survey questions to determine Americans' reactions to situations involving members of various out-groups (e.g. a person's feeling about

one their children marrying a Jewish or Muslim or Catholic or atheist person)[3]. Researchers expected (in our post 9-11 reality) that 'Muslim' would be the most prejudiced category. Understandable hypothesis, but incorrect. 'Atheist' was by far the 'lightning rod' category on multiple queries and atheists were even described as "evil and immoral".

[Note: As we are Americans, the authors will often refer to the consensus of these major research findings in the first person possessive tense. "We" are describing "our" society, after all. At the same time, the authors would like it clearly understood that we do not personally endorse or agree with these mainstream prejudices, and are writing this paper in large part out of concern for their potential to undermine justice.]

These findings are surprising considering bias in America has traditionally been thought of as surrounding race and ethnicity. Clearly, acts of anti-Semitism are present, and both Muslims and Catholics experience active prejudice, but the level of passion against atheists is exceptional. Let's take a look at some survey responses to atheism from the American Mosaic Project in 2003[4].

'You want to marry a what?'

In a twist on common wisdom that Americans are more concerned about interracial marriages than interfaith marriages—we don't want our kids marrying an atheist. Almost half of Americans 'disapprove' of one of their own children marrying an atheist—compared to 1/3 disapproving of a Muslim partner, ¼ disapproving of an African American partner, 1/5 disapproving of an Asian American or Hispanic partner, and so on down the line.

Regular churchgoers, conservative Protestants, and those who report religion is important/salient in their lives are the most likely to disapprove of their children marrying atheists. While it should surprise no one that the non-religious respondents are the most accepting of atheists, even this group rejects atheists to a degree. One in ten (10%) of the non-religious don't want their child marrying an atheist. When it comes to welcoming diversity into our families, atheists are resoundingly rejected.

Voir Dire Tip: *To avoid unspoken bias, query about atheism attitudes, especially if it has no bearing on case-specific issues. It will "out" some people, and will inhibit acting on the bias for many others.*

I would disapprove if my child wanted to marry a member of this group

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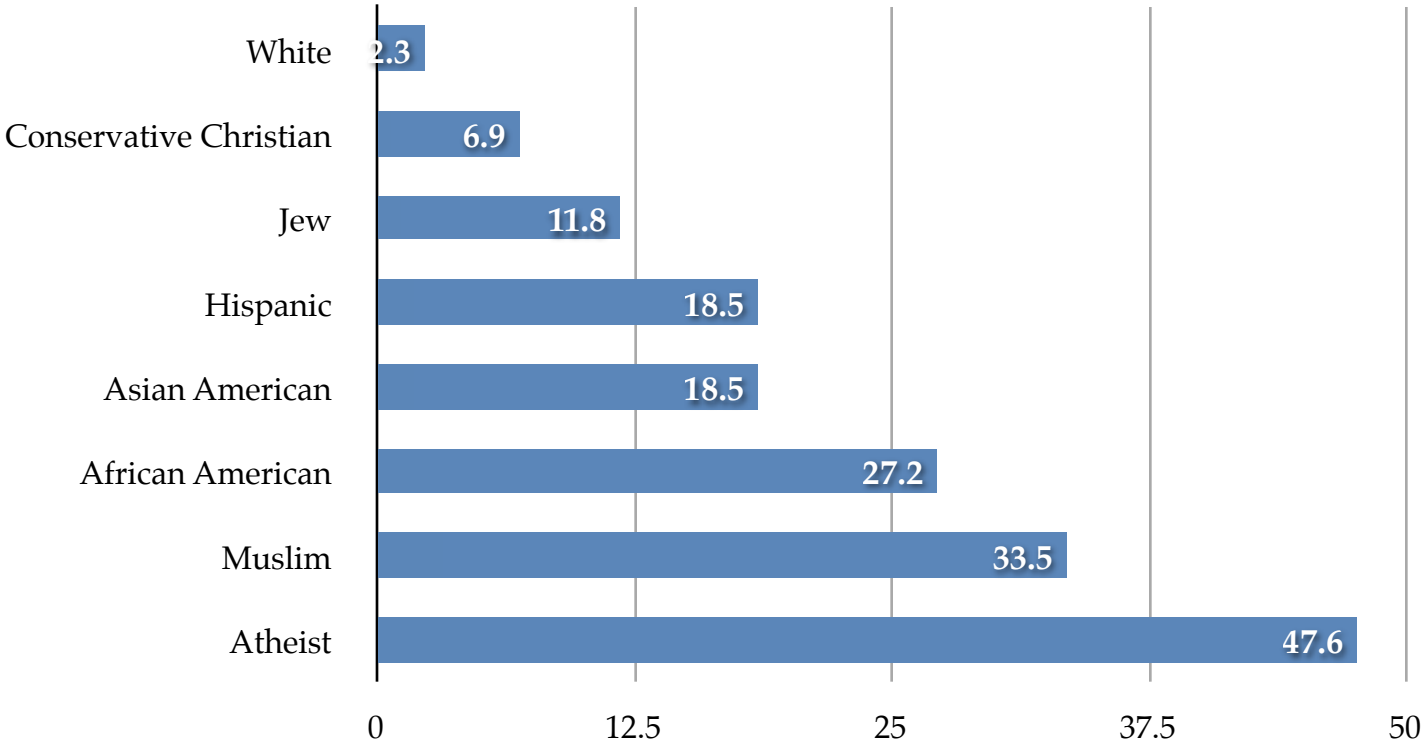

'Atheist or just plain un-American?'

In 1987, former President George H.W. Bush wondered if atheists should be thought of as 'American': "I don't know that atheists should be considered as citizens, nor should they be considered patriots. This is one nation under God"[5].

The American Mosaic Project respondents saw atheists as the most likely to see a very different 'vision of America'. Almost 40% thought atheists see a 'very different America; ¼ thought Muslims had a different vision; 1/5 thought homosexuals saw things differently; and so on. When lines are drawn, atheists (who can readily 'hide' or 'pass' by maintaining silence) are always on the outside. Our extension of tolerance does not seem to encompass non-believers. We do not see atheists as "like" us.

Possible Juror Attitudes: *Atheists do not fit into the fabric of America. They do not deserve the same rights and freedoms as the rest of us.*

This group doesn't agree at all with my vision of American society

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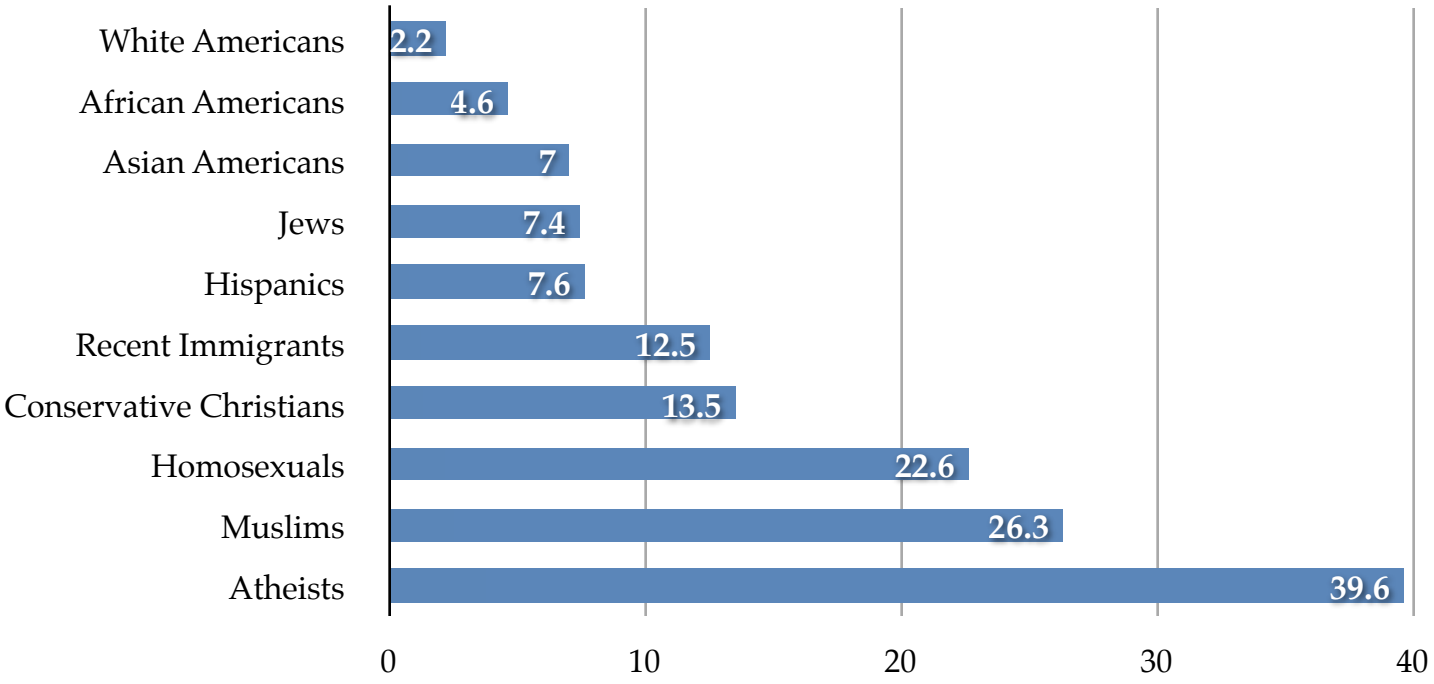
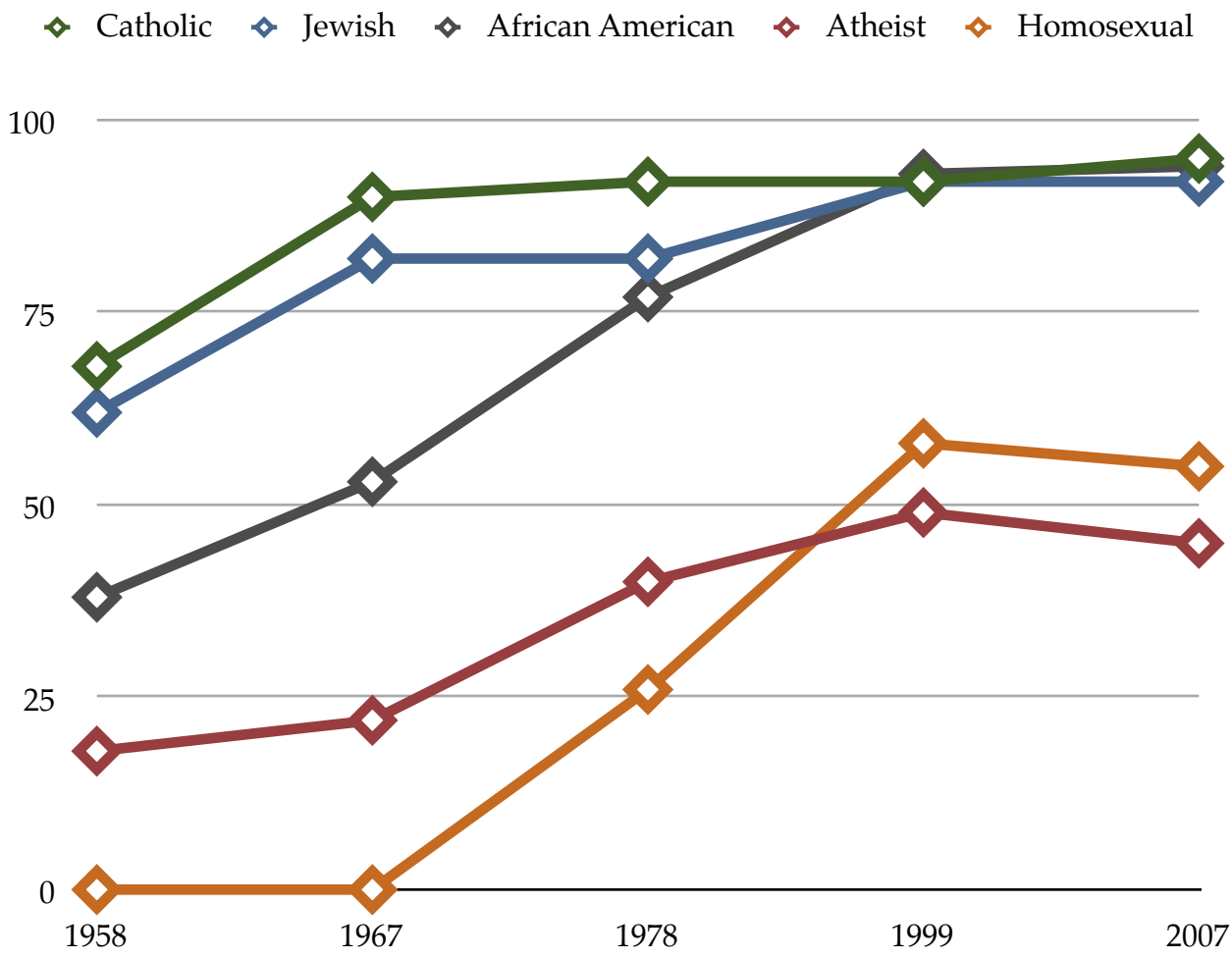


'A President without God?'

So why are we so afraid of atheists? It's hard to say. While attitudes toward others who are racially different or religiously different have softened over the past four decades, attitudes towards atheists (the non-religious) have not kept pace. Our willingness to vote for an atheist for President is still below 50%. Data provided by the Gallup Organization illustrates this reality. Our willingness to elect Catholic, Jewish or African Americans has increased dramatically. Not so for our willingness to elect atheists—we'd rather have homosexuals in office.

If your party nominated a generally well-qualified person for President who happened to be (insert here), would you vote for them?*



*(Gaps in available Gallup data presented in the above graph are extrapolated from historical Gallup data illustrated at Pollster.com and the American Mosaic Project publication.)

America's negative view of atheists

The American Mosaic Project sheds bright light on the extreme and specific biases toward atheists in America. More generally, Americans' views of atheists reflect the following:

We think they are immoral: Negative attitudes toward atheists seem to stem from a moral judgment. These negative evaluations of atheists are linked to distrust, a sense that atheists are immoral and arrogant, and a perception of a negative impact that atheists have on our society.[6]

'The new atheists' rub us the wrong way: A new group of writers/spokespersons for atheists has emerged who are described as "angry, abrasive and critical of believers"[7]; arrogant[8]; and "fundamentalists" who are as "wrong-headed and dangerous as the bible thumping Christians"[9] (a conclusion consistent with the negative impressions that Americans had of atheists all along).

Some of us are less tolerant of atheists than others: Non-white Americans, females and those with less education tend to be more rejecting of atheists than white Americans, males and the college degreed. Residents of the South and Midwest are less accepting than those who live in either the East or West.

Regardless of grouping, however, acceptance of atheists ranges only between 33% and 60% of any given population group.[10] There are reasons atheists refer to themselves as being targets of the new 'ism' (although we might question just how 'new' it is to dislike and distrust atheists)[11].

Although the existing literature on atheists is small, it is consistent. We don't like them. They are not like us. They do not share our values, our vision of America, and we don't want them marrying into our families. While these attitudes toward atheists appear to be robust, research also tells us some important and useful things about the characteristics of atheist individuals.

Voir Dire Tip: *Ask open-ended questions about how atheists would think/act differently than "us". Get them to discuss their assumptions about supposed differences.*

Illustrations of the current day stigma against atheists can be found in examples of bias in the public arena:

1) an Eagle Scout kicked out of Boy Scouts for being an atheist;

2) children at a charter school shoved and told they would go to hell by fundamentalist students over religious differences; and

3)a high school athlete dropped from her basketball team for refusing to recite the Lord's Prayer.[12]

What We Know About Atheist Individuals

Atheists are a difficult group to study for a few reasons. Interestingly, some of the reasons they are difficult to study may also be reasons for you to strongly consider the role atheism could play in your next trial. Whether it's a witness, a client, or a juror – common characteristics of atheist individuals can impact the ways in which courtroom presentation influences jurors' decisions. In spite of the challenges, there are sound research conclusions that shed light on common factors to consider:

Atheists tend not to be 'joiners'. As a result, there are not organized groups which most of them 'join' where they can be studied, or where they can develop clear community.

There is no common definition of what constitutes an atheist (i.e., are atheists only those who self-report the label, those who don't attend church, those who are not convinced there is a God—and so on).[13]

They are willing to stay 'in the closet'. There is enough of a stigma associated with identifying as atheist that many atheists choose to 'pass' as believers and not 'come out of the closet' as true non-believers. For example, in recent US surveys, twice as many respondents say they 'do not believe in God' as describe themselves as atheists.[14]

They are skeptical of the non-scientifically proven: Atheists are defined by not believing in gods. What they do believe in may be natural science, human equality and individual freedom. They tend to be skeptical of supernatural phenomena or new age sorts of 'connectedness'.[15] However, given that

atheists are such a diverse group, these beliefs may not be shared uniformly (just as beliefs in the supernatural are not shared equally among all believers).[16]

They are no longer a 'small' group: Atheism is no longer rare. Non-believers are the 4th largest belief group in the world (after Christianity, Islam and Hinduism)[17] and the third largest belief group in the United States (behind Catholics and Baptists).[18]

> The range of estimated number of atheists in the United States is wide. Estimates range from 1% to 14% of Americans. The stigma of identifying as atheist is believed to lower the actual count so numbers/percentages are generally presented at the lower end of the continuum by religious groups, at the higher end by atheist groups, and as a range by researchers.[19]

They tend not to serve in the military: Those who are 'nonreligious' do not tend to serve in the military (in comparison to their 'highly religious evangelical' counterparts) *unless* the sample is of college students and graduates. Once in college, the gap disappears.[20]

They do have an ethical compass: Contrary to our beliefs that atheists are immoral, researchers find that atheists actually do have a moral compass and they know right from wrong just as well as church-goers. In other words, the intuitive moral judgments about right and wrong seem to operate independently of religious affiliations.[21]

They may be smarter than us: A new 'Online First' article at the *Social Psychology Quarterly* website suggests that liberals and atheists are more intelligent because they tend to endorse more "novel values and preferences" than the rest of us. Satoshi Kanazawa (the author) examines both adolescent and adult intelligence and reports on the significant relationships among intellect, adult liberalism, atheism, and men's (but not women's) valuing of sexual exclusivity in relationships.

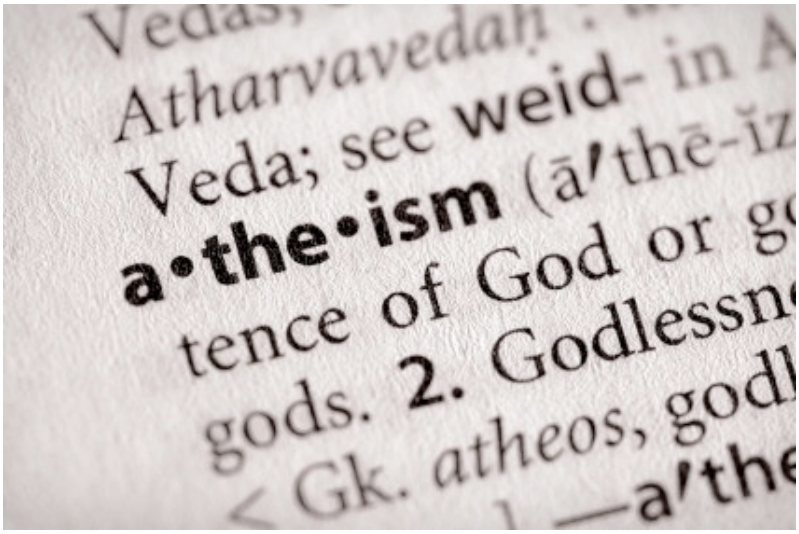
> *"Most people do trust atheists -- they just don't know it… That trusted family member, friend or neighbor might very well be an atheist."*[22]
>
> - August Berkshire, spokesman for Minnesota Atheists.

Handling Atheism in the Courtroom

Beliefs of atheists (just like the beliefs of theists) structure world views, values, expectations of others, and sense of right and wrong. The dilemma is that since there is no atheistic non-holy scripture upon which "others" can evaluate their core beliefs, there is uncertainty. And for those who are intolerant of uncertainty, alarms start going off. While the research on atheism is instructive for understanding the ferocity of the bias against atheists, it offers little in the way of "how atheists think". Atheists, like most of the rest of us, have individual life experiences and values that inform their perspectives. While we can hypothesize that they would react negatively to religious argument/testimony, we can't even know that for sure.

Here is what we do know:

- If your client isn't 'out' as an atheist, it is better for you to keep it that way. There is no point in complicating his or her identity as a litigant. On the other hand, if your client has ever publicly acknowledged being an atheist, assume it's on the internet and that jurors may learn about it.
- We know how powerful bias is against African Americans and Muslims. Remember it's even worse for atheists. Think about atheism as another 'ism' because this is a category of people against whom we discriminate/have bias.
    - We have written numerous times about the importance of building identification between your client and the jurors. Whether it is life experiences, family, religious connections, or lifestyle, it is important to help the jurors feel that there is a bond between them and the client. Atheism will complicate the effort, if not derail it.
- Having said that, if it is a matter of public awareness that a litigant is an atheist and you want to inhibit it, you absolutely have to voir dire about it. The possibility exists that you will disqualify some jurors, but as importantly you are likely to inhibit anti-atheism bias among those who serve.



- We have automatic assumptions about atheists (they are arrogant, abrasive, immoral, and so on). You have to test this issue in pretrial research. What reduces bias? Don't go into court without knowing. An intuitive thought is that atheists and agnostics, being less bound by conventional social mores, might be relatively pro-plaintiff (civil) and pro-defense (criminal). Consider this for your case.
- While there is a brief measure for negative attitudes toward atheists—you don't need it! The research is clear. Americans have negative attitudes toward atheists. What you have to determine is how to minimize that bias in your specific case.
- Atheists are not 'joiners' and many of them do not publicly identify themselves due to stigma. Most jury questionnaires only ask about religious affiliation, and since atheism is not a religion, per sé, offering atheism as a response to a religion query is gratuitous. You can fairly assume that anyone who publicly identifies him- or herself as atheist is unusually opinionated and might be too unpredictable to have on your jury. We see this in pre-trial research with anyone who identifies as extreme (e.g., very liberal or very conservative). They are often not people we want on juries because we simply cannot predict which direction they will go on a particular case, and they tend to have a polarizing affect on the jury.

There are also some additional research findings it makes sense to consider for your specific case. There are some specific tactics we recommend based on these findings and based on the persuasion literature in general.

Research Finding	What to do	Why to do it
We don't like atheists and we don't trust atheists	Show the jury how the atheist is 'like them' through volunteerism, values, family, et cetera. Make the atheist trustworthy and likable and most of all—moral.[23]	We like people who are 'like us'. Make 'your' atheist the exception to the irrational belief. See our blog category on witness preparation for ideas on this one.[24]
Religious intensity remains best predictor of politics[25]	See if religiosity is significant in pretrial research. If yes, consider how your case plays to what we now consider "Democrat/ Republican values".	The judge will often not allow queries about politics. You can make a request for religious affiliation/commitment info. Use that to help you assess juror risk for your case.
Raise the atheist (bias awareness) flag	Talk to the jury about how atheism is a 'hot button' for Americans and the importance of deliberating on facts not feelings or bias.	We know that talking about bias reduces the likelihood of biased decisions being made[26]. Raise the flag and reduce the likelihood of unconscious bias.
Conservative fundamentalists are most punitive[27]	Assess fundamentalism. Check religious affiliation or identity.	Jurors with belief in the literal interpretation of the Bible are more punitive. Jurors who claim religious affiliation are more punitive than atheists/agnostics.
Religious attendance and generosity[28]	Religious attendance is linked to generosity worldwide.	Consider (and explore in pretrial research) if this might be linked to damage awards.
Victimless crime?	Religious affiliation and higher religiosity→ greater condemnation in victimless crimes[29]	This is a shortcut to identifying jurors predisposed to punish your client.

Summary

Atheists are unique and individual (just like all of us) and we have to attend to the attitudes, beliefs and life experiences that all of us (even atheists) bring to the table as jurors. Conversely, jurors need to be reminded, if they know they are judging an atheist, that they are human, American, and as deserving of thoughtful consideration as we all are. Do you want atheists on your particular jury? It depends. As we mentioned earlier, you probably don't want a militant atheist—like most militants they are likely too unpredictable and a potentially polarizing force in the deliberation room. (We have seen occasions where juries—and even focus group—have begun their deliberations with a group prayer. Many atheists (and others) would be very uncomfortable about this, of course, and resistance might have a strong impact on the deliberative process. Of course, if you want a contentious deliberation or a hung jury you may choose to inject a militant atheist, but we aren't getting into that for this article.)

Most important, maintain an awareness of the intense bias atheism arouses in most Americans, and remember that all bias stems from beliefs, and the trigger is not always a characteristic visible to the eye.

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Editor's Note

Welcome to our March 2010 issue of *The Jury Expert*! Once again, we have diverse and provocative offerings for you. Whether you flip first to our article on apology, choose to travel to East Texas, or ponder the impact of emotional evidence, see just how informative and persuasive visual communication can be, think about the goals of witness preparation, sweat through the surprising heat of attitudes toward atheists, consider the use of 606(b) in jury impeachment, or travel back in time with our March 2010 Favorite Thing, you are bound to have an experience that teaches you a thing or two and that means you have more interesting conversations with colleagues.

We are continuing to try new topics and formats of articles as we press forward with *The Jury Expert*. Let us know what you think (what should we do more of, what should we do less of, and what should we keep the same?) by sending me an email (click on my name below).

> Tell us what you want to read. Tell us what you want to learn. Tell us what you are curious about (related to litigation advocacy). We will try to accommodate your questions, curiosities and desire for new topic areas.

You'll also see a bit of a new layout on our front webpage. We are looking for advertisers to help support costs of creating this publication and other activities of our publisher (the American Society of Trial Consultants). Read. Consider. Question. Comment on our website!

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