Law and Humanities Junior Scholar Workshop Dissertation Summary

My article is a publication-length version of the first chapter of my dissertation, titled, “Spiritual Properties and Religious Possessions: Intellectual Property Rights in the American Spiritual Marketplace.” The dissertation explores the intersection of religion and intellectual property law in the contemporary United States from the mid-twentieth century to the present.

The dissertation will consist of four chapters. The first two chapters deal in turn with two separate religious organizations – The Urantia Foundation and the Worldwide Church of God – that have actively taken their intellectual property disputes into the court of law in ultimately unsuccessful attempts to construct or defend religious authorship. The cases regarding ownership in The Urantia Book provides an example of property rights grounded not in the human author but rather in angelic authorship with the Urantia Foundation acting as divinely appointed trustee. These disputes reveal the courts’ inability to link the complex authorial attributes of the book to legally familiar categories of authorship and originality. Further, the Urantia Foundation’s history reveals how intellectual property law became the means through which actors tried to establish varying strategies for distribution of The Urantia Book.

Chapter two looks at the Worldwide Church of God, an institution whose conflicts over founder Herbert Armstrong’s book Mystery of Ages demonstrate how intellectual property can play a critical role shaping inter and intra-denominational history. In an attempt to control their brand image, the Worldwide Church of God chose to remove Armstrong’s idiosyncratic final work from circulation and even labeled the founder a ‘false prophet.’ While this strategy was rewarded by their inclusion in the National Association of Evangelicals, their slow assimilation into the mainstream also resulted in a decline in membership throughout the 80s and 90s. Meanwhile, a breakaway church, the Philadelphia Church of God, continued to distribute the book free of charge, claiming its right to do so not as copyright holder but rather because of the protections to worship granted by the First Amendment’s Free Exercise Clause and the Religious Freedom Restoration Act. Inside these institutions, the ownership of trademark and copyright became a valuable tool for gaining leverage over competing factions and even for adjudicating complex theological disputes.

The last two chapters shift their focus to extralegal conceptions of property rights as they are articulated outside the walls of the courtroom and invoked in the socio-cultural practices of different religious communities in the United States. Chapter 3 evaluates the means by which the evangelical community monitors sermon-stealing without explicitly invoking copyright. It focuses primarily on conflicts between the Evangelical Homiletics Society and Rick Warren’s Saddleback Church as examples of opposing organizations for whom differing understandings of sermon as property (product of a personal and labor-intensive relationship with God or ministerial tool through which the Gospel is communicated) directly affect the strategies of evangelism that each group undertakes. The final chapter looks at the development of new strategies for the organization of religious intellectual property. This chapter focuses on the efforts of Presbyterian pastor and author of Open Source Church Landon Whitsitt and others in the Emergent Church movement as they work to re-imagine the fundamental organization of religious communities in the United States by describing religious intellectual property as the fruit not of a singular author but as the product of the distributed mind of its believers.