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Cross and Crown™: Trademarks and the Legal Naming of American Religions

Andrew Ventimiglia

In 1977, the First Church of Christ, Scientist withdrew its support for a branch church in Plainfield, New Jersey, because of an irresolvable doctrinal disagreement.¹ The Board of Directors sent a letter stating that the Plainfield Church “no longer has the legal right to identify itself publicly as a ‘Church of Christ, Scientist’ or a ‘Christian Science Church,’” a claim grounded in its valid trademark in the name “Christian Science.” As a result, the Plainfield Church reincorporated under the name the “Independent Christian Science Church of Plainfield, New Jersey.” This name change was not enough for the Mother Church, as they filed a trademark infringement suit on July 21, 1980. The resulting case, *Christian Science Board of Directors of the First Church of Christ v. Evans*, revolved around a complicated question related to the nature and function of trademarks as deployed by religious organizations: can American trademark law be used to assert control over the name and iconography of a religion?² Further, this legal dispute concealed a deeper question about the contemporary corporate form of religion in American culture: what is the relationship between a religious organization as guarantor of fundamental spiritual truths and the signs by which it is known in the spiritual marketplace?

This article traces the history and role of trademarks in American religion, with a specific focus on Christian Science’s faith-branding strategy. This narrative demonstrates that the *Evans* case was not an aberration in American religious history but rather emblematic of a novel strategy available to emerging religious organizations to govern their followers through brand management and trademark law. While available to other churches and denominations, this strategy was pioneered by the Church of Christ, Scientist—an American religious organization “discovered and

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founded” by Mary Baker Eddy—both because Christian Science originated at the same time as modern American trademark law and because this new legal tool proved uniquely useful to a new religious movement seeking to increase its visibility among multiple similar competitors.³ The Church’s trademarks also served to secure legal authority over its licensed branches, teachings, and materials in lieu of established Church hierarchy. In the process, Eddy developed a theological defense for ownership rights in the Christian Science name and symbols. This trademark strategy thus exemplifies broader efforts within nineteenth- and twentieth-century American religion to utilize secular economic tools for religious purposes and anticipates the broader adoption of branding strategies increasingly common to contemporary religious organizations. Just as the modern corporation recognized the value of the legally protected brand name in product marketing, Christian Scientists, cognizant of their position in a competitive spiritual marketplace, recognized in trademark law a unique legal tool capable of establishing spiritual authority via control of Church iconography.

After exploring some of the broader legal and theological debates surrounding religious trademarks in the United States, this article focuses on the history and development of three separate Christian Science trademarks. These marks include the name “Christian Science,” the “Cross and Crown” symbol, and founder Mary Baker Eddy’s signature. While each mark has its own idiosyncratic history and function, together they evidence a novel strategy available to religious organizations to deploy trademarks as unique signifiers of divine source: an amplified version of the traditional legal argument for marks as guarantors of product origin. In this manner, the Church’s religious rationales for robust legal protection for its marks nicely dovetailed with commercial logics embedded in trademark law even as they also sometimes diverged from them, particularly in the ways that the Church and the law differently construed the role that the spiritual consumer played in assessing or evaluating the Church’s “product.” By tracing these resonances and divergences, this article argues that Christian Scientists found in the language and doctrine of trademark law important tools for crafting coherent organizational—and thus spiritual—identity.

Trademark Law and the Religious Mark

A trademark is a word, name, or symbol used to identify products and distinguish goods and services from those of another competitor. The requirements for trademark registration are minimal.

The word, name, or symbol simply needs to be used in commerce and used in such a way that it identifies the origin of a product and thus reduces consumer confusion about that product's source. In doing so, the trademark also protects the "goodwill" that the business has earned.⁴ As described in a landmark trademark case, "A trademark provides a stable signifier of the source of the product."⁵

Nonetheless, historically, jurists and legal theorists have struggled to justify the registration of certain names and symbols that appeared inappropriate for use as a trademark. For instance, William Henry Browne, author of the 1873 *Treatise on the Law of Trade-Marks*, wrote that some names and symbols could be preemptively rejected.⁶ The first example he provided was "the masonic emblem of the square-and-compass," a symbol that "proclaims its possessor to be a member of a certain order of men [and] the distinctive badge of a peculiar body." Browne continued, "If now placed upon the head of a flour-barrel. . . what would the purchaser understand thereby? . . . Ultimately, the emblem could not be used because it would constitute a perversion of the emblem, turning it into an instrument of base deception." By necessity, this prohibition extended to "distinctive emblems of all creeds—religious or political." Words like *Christian* or symbols like the Christian cross or Muslim crescent should not be available for appropriation as lawful marks given their established signification and the rights of those members to ensure the "ordinary" meaning of those symbols as they related to religious practice.

While these terms of religion—terms associated "with a certain order of men"—were considered off-limits for registration, the opposite of trademarks in this context was not unrestricted public use but rather a different form of exclusive control by those given extralegal title to the terminology—Mason, Christian, Muslim—in question. As Browne wrote later in his treatise: "Propriety must be standard in the selection of something intended to serve as a symbol of commerce. . . . The moral, religious, or political sensibilities of any people must not be shocked by the perversion of an emblem sacred in their eyes."⁷ What Browne described in his analysis of religious marks was the recognition of a preexisting proprietary right that linked communities and those communities' signifiers in ways that the law would rip asunder if it rendered religious terms subservient to their use in streams of commerce. Religious trademarks were then initially understood to threaten rather than reaffirm the divinely sanctioned links between religious terminology and its "rightful" owners (however that righteousness may be imagined, given the competing denominations, sects, and churches that constituted the American religious landscape). Based on this rationale, Congress

prohibited the federal registration of such marks in 1905 based on the logic that this repurposing of religious terminology might be considered scandalous or immoral.⁸

The Patent and Trademark Office applied this prohibition whenever religious terminology was used for a product deemed antithetical to religious values. For instance, in 1938, the mark MADONNA was considered scandalous when used in connection with wine, given that the term was associated with the Virgin Mary who “stands as the highest example of the purity of womanhood, and [given that] the entire Christian world pays homage to her as such.”⁹ Nonetheless, less controversial products did successfully appropriate religious names as trademarks. However, these instances often generated pushback from the religious communities themselves, as was the case with the Religious Society of Friends’ challenge to the commercial use of the name *Quaker*.

Around 1915, the Quakers expressed concern that business firms and corporations were using “the term ‘Quaker’ as a name for their products,” with Quaker Oats being the most prominent.¹⁰ This objection was not voiced because businesses were using the name in a way that was considered scandalous; rather, they protested the mere “commercialization of a name that [has] deep religious significance.”¹¹ Representatives of the Society of Friends had asked the Commissioner of Patents to deny registration of the term *Quaker*, but he responded that he was unable to do so without federal legislation. Thus, the Quakers came to Congress to request that it pass a bill addressing their concerns. On February 3, 1916, the merits of this bill—*H.R. 435: To Prohibit the Use of the Name of Any Church Religious Denomination, Society, or Association for the Purposes of Trade and Commerce*—were debated by the Committee on the Judiciary.

The Quakers ultimately failed to generate sufficient support to pass the bill; however, the record of the congressional debates reveals myriad arguments marshalled by the Quakers to claim ownership of their name. The opening statement by the Chair of the Friends Legislative Board argued that Quakers were the rightful owners of the mark, and unauthorized corporate registration of the term was akin to the stealing of preexisting goodwill while also producing significant consumer confusion. The Chair claimed first that the “Friends have a reputation for honesty [that] only serves to emphasize the robbery and usurpation of this valued and historic appellation. It is a matter of record that certain people who are not acquainted with Friends have the impression that the companies using the ‘Quaker’ name are companies of Quakers using the name for the purposes of private profit.” This robbery then tarnished the Friends’ brand even as it appropriated its goodwill for commercial

purposes. The Chair further argued, "There is no practical difference between [this unauthorized use of the Quaker name and] the act of a man who would come into the home of another and steal his money."¹²

The Friends' arguments did not seek to establish a common-law right to the Quaker trademark that predated its registration and commercial use by Quaker Oats and others. Instead, as a subsequent statement by Henry Haviland of the New York Society of Friends articulated, the Society of Friends considered the Quaker name was simply not "a thing to be sold."¹³ Instead, Haviland claimed that trademark registration was fundamentally an infringement of the Society's religious rights. Yet these rights—while not alienable—were still articulated as fundamentally proprietary: "The name 'Quaker' is an ideal name to use in trade, of course, but we do not think anybody has a right to use it in trade, because we contend that it is our personal, private property."¹⁴

The rapidity with which the Quakers accepted the terms of the debate as being about property opened them to a challenge from Quaker Oats' counsel who claimed that the Quakers were asking for a "privilege": "I think they are asking for a name they have never used in trade, and asking to have it taken away from us who have used it in trade, and who have given it a value."¹⁵ Another speaker representing the interests of the Quaker Lace Company also pointed to the lack of clarity distinguishing religious practices from those of for-profit businesses, thereby calling into question the Quaker arguments for exceptionality. This speaker pointed to Shakers, whose name was "used in connection with goods which are sold interstate." This example demonstrated that "there is nothing inherently sacred in the name by which people term themselves when they separate from some other larger body of believers. . . . The sacred things in religion are not the sects or their names, but the things in which we believe and the things in which we have crystallized our beliefs."¹⁶

These various concerns around the Quaker trademarks signaled an important moment in American religious history in which religion and business interests had become increasingly intertwined, a quality explicitly noted and successfully argued by corporate lawyers calling out the business-like dimensions of contemporary spiritual practice.¹⁷ The utilization of religious imagery and names in products like Quaker Oats and Post's Elijah's Manna cereal or in Shaker seed packets and furniture were visible markers of an increasing "ideological overlap between modern consumer capitalism and religion."¹⁸ Just as businesses found it valuable to trade on religious imagery to sell products, so, too, did religious organizations find it advantageous to borrow from business

practice to successfully compete in the American spiritual marketplace. As such, in the early decades of the twentieth century, enterprising churches might have found trademarks and brands not antithetical to but rather consonant with religious interests.¹⁹

As Timothy Gloege has explored, following the disputes over the Quaker mark, Quaker Oats president Henry Parsons Crowell carried over his branding and marking strategies from the business world into evangelical Christian religion with his work at the Moody Bible Institute. The parallels between religion and contemporary marketing and sales were easy to identify: “Respectable ministers and other religious workers were the religious ‘retailers’ while the laity was the end ‘consumer.’”²⁰ Thus Crowell worked to clarify the religious product on offer at Moody and considered Dwight L. Moody himself as a kind of “trademark,” a name that guaranteed trust in the theological content delivered by his Institute.²¹ This general recognition of the value of branding in religion—structured in turn by the legal architecture of trademark law—was more broadly recognized across late nineteenth- and early twentieth-century evangelical practice and beyond. Branding efforts were consonant with the emergence of religion as—in the words of Porterfield, Grem, and Corrigan—a “private enterprise” wherein religions “differentiate themselves on the basis of what they literally call their ‘services.’”²² The name of the church or denomination could be considered simply another “quantifiable material asset” that organizations were expected to manage “in conjunction with managing its spiritual business.”²³

Likewise, Daniel Vaca has drawn attention to a long history of branding in American religion (again using Moody as exemplar) in which “brands have served as vessels of social authority, relying upon and requesting the assent of those who encounter them. . . . Branding strategies perennially have cultivated authority on behalf of the products and people around whom evangelical publics have taken shape.”²⁴ Crucially, these branding strategies are not just conducted in the service of selling a product but rather, as Usunier and Stolz note, mechanisms for influencing “a whole range of behaviors in target publics.”²⁵

While religious branding strategies emerged in many sectors without necessitating a specific turn to trademark protection, other organizations—particularly newer religions or religious organizations—explicitly mobilized trademark law to support their spiritual authority.²⁶ An analysis of these instances, which necessitates a turn to the materials of the law—registrations, judicial opinions, and contracts—illustrates the ways that religious organizations utilized structural similarities between business and religion, configuring religion, in the

words of McLaughlin, Rots, Thomas, and Watanabe, as a “corporate form.”²⁷ Further, the legal debates around ownership in religious names evident in disputes around terms like *Christian Science*, *New Thought*, and *Baha’i* reveal a deeper unresolved concern about the interrelationship of religious and legal taxonomies in American culture. These disputes, while operating on the terrain of “secular” intellectual property law, nonetheless attempted to make sense of the foundational relationship between a religious organization and its name. Trademark law provided both a repository of terminology and concepts to make sense of that relationship but, at the same time, existed as a legal scrim obfuscating religious logics and relations that might have been articulated differently if the debates had occurred outside the domain of law.

The Religious Mark Disputed

After the failure of the 1916 bill to bar the registration of religious trademarks, organizations encountered few procedural hurdles when registering a religious sign as long as the conjunction of sign and product was not perceived as immoral or scandalous. Thus some churches, denominations, and congregations formally registered their names with the U.S. Patent and Trademark Office.²⁸ Many of these registrations went uncontested, yet disputes did occasionally arise between entities over control of religious names and symbols. These conflicts uniquely illustrate the challenges (and potential rewards) of using the legal protections provided by trademark to manage the religious corporate form. Further, the case law demonstrates the degree to which religious organizations that asserted ownership over a mark inevitably ceded some degree of control over their own internal operations to American legal systems and logics.

Across religious trademark disputes, courts sought to discern how religious organizations should be understood within the commercial logics that govern trademark law. On one hand, courts recognized that religious organizations closely resembled and thus should be granted the same privileges as commercial enterprises in their capacity to register and protect their trademarks. This principle was articulated in one of the earliest religious trademark cases: *Purcell v. Summers* (1944). In this case, the Methodist Episcopal Church successfully sued former members who were using the church name “Methodist Episcopal Church, South” even after their disaffiliation from the uniting church. As one legal scholar noted, in these instances “the underlying rationale is that, like a commercial

entity, a religious organization may need to protect its good will, reputation, and membership contributions as a matter of economic survival.²⁹ While this conception of goodwill is traditionally construed economically, the decision in *Purcell* noted that the protection of a church name could have a deeper spiritual significance: “The name of this church . . . was of great value, not only because business was carried on and property held in that name, but also because of members associated with the name the most sacred of their personal relationships and the holiest of their family traditions.”³⁰

On the other hand, courts expressed concern that legal control of church names might be too restrictive if that control grants to one religious organization a monopoly on a whole religion and thereby limits the religious and expressive freedom of others. This argument was articulated in a 1913 case involving a religious corporation called the New Thought Church, which had claimed the exclusive right to monopolize that term. In this case, the Supreme Court of New York ruled that “the name it has chosen indicates, first, the system of religion which it teaches and, second, that it teaches that system through the medium of organizations known as churches. It surely is not in a position to successfully claim a monopoly of teaching this form of religious faith by means of organizations known by the generic names of churches.”³¹ In other words, if the trademarked name referred primarily to the generic religion rather than the organization—a unique source of the product “religion”—then the trademark could be rendered invalid. This argument was also articulated in *McDaniel v. Mirza Ahmad Sorab* (1941), wherein the plaintiffs attempted to restrain the defendant’s use of the term *Baha’i*. The ruling in this case was short but direct: “The plaintiffs have no right to a monopoly of the name of a religion.”³²

The identification of religions as generic thus appeared to provide a solution to the unique problems that could arise with religious trademarks. If courts separated religion from the religious organization such that First Amendment protections were secured for the former while trademark protections were secured for the latter, then the law was effectively applied in a neutral manner and without having to unconstitutionally rule on matters of internal doctrinal dispute.³³ This logic subsequently informed the decision in *Christian Science Board of Directors v. Evans*. This opinion claimed that the religion of Christian Science had been founded as many as twenty-three years before the formal establishment of the Mother Church, leading them to assert “two significant related facts: first, the religion and organization are conceptually separate; and second, the religion pre-existed the organization.”³⁴ Through this analytic

division, the opinion rendered *Christian Science* a generic term. However, many—including dissenting judges in the *Christian Science* case—thought otherwise.

For some scholars and jurists, this line between generic religion and trademarkable church name was far from self-evident. They argued that religious genericism was too difficult to consistently determine for several reasons, including the variety of tests available across jurisdictions for identifying distinction, the challenge of identifying who the relevant audience was (the general public or a more discerning “religious audience”), and the unique properties of the religion involved in the litigation (e.g., a traditional denomination like Methodism or a new religion like Scientology).³⁵ This variability was apparent in the divergent rulings across case law and vocal dissents in key cases like *Christian Science Board of Directors v. Evans*. For instance, the dissenting judge wrote, “There is adequate, substantial, and credible evidence to support the trial court’s finding that ‘Christian Science Church’ is a protectible trademark because it is a descriptive term that signifies a church’s affiliation with the Mother Church.”³⁶ Further, the defendants would only confuse the public with the name “Independent Christian Science Church of Plainfield, New Jersey.” The judge instead proposed the name: “Plainfield Community Church—An Independent Church Practicing Christian Science,” a solution that protected the *Christian Science* trademark while also more clearly rendering church name and religion as separate entities.³⁷

An additional challenge with the legal task of separating religion from religious organization was that it could not be executed without grappling with an implicitly theological question: what is the relationship between a religion and that religion’s organizational form? More precisely, it required an interrogation into the relationship between names: the name of the religion and the name of the church or denomination. Most rulings in these cases articulated an approach in which a genus of religion—for instance, Methodism or Baha’i—were characterized by certain principles, tenets, or precepts that could then be expressed through various denominational articulations.³⁸ Yet this approach, which was designed to keep the spiritual as well as the corporate and economic components of religious entities separate, failed to adequately account for new religious movements like the Church of Scientology or the Church of Christ, Scientist, both of which had clear originators (in L. Ron Hubbard and Mary Baker Eddy, respectively) who developed the doctrine and the organizational architecture of the church at the same time.³⁹ Further, the two—doctrinal and organizational form—had been designed in tandem such that they

reaffirmed and supported one another as dual means of constructing and nurturing a community of faith. These connections were evident, for instance, across the Christian Science Church Manual, in which numerous matters related to the governance of the Church and its branches sat alongside foundational tenets. In fact, Church beliefs and organization were inextricably bound to one another through Mary Baker Eddy's decision to appoint the Church's foundational text *Science and Health with Key to the Scriptures* (and the Bible) as Pastor over the Mother Church, which in turn monitored the status and belonging of branch churches.⁴⁰

From the perspective of trademark law, the reason for drawing a distinction between religion and church was to recognize and affirm the source-indicating function of the trademark.⁴¹ Trademarked church names could be legally justified because they conveyed to consumers the source of a variety of religions, here understood as the generic class of product being delivered.⁴² This logic was evoked in *Evans* when the Mother Church was described as the "producer" or "supplier" of the Christian Science religion. Broadly speaking, this approach would satisfy many religious organizations and their trademark strategy. However, for Christian Scientists, this distinction did not fully capture the perceived value and importance of their trademarks, which were also meant to indicate that the Mother Church was the exclusive or only authorized supplier of the Christian Science religion.

In effect, and as recognized by the New Jersey Supreme Court decision in *Evans*, Christian Scientists considered their name a "dual-function" mark: a mark that served to identify both the product and its source, the two being theologically, and therefore legally, inseparable. For Christian Scientists in the Mother Church, if the teachings, publications, and materials of Christian Science had their origins in a different, unaffiliated Church, they simply would not be Christian Science as a matter of description. In other words, legal distinctions sought to affirm fundamental ontological distinctions at the level of religious product.

Whatever the outcomes of these cases, they collectively revealed an underlying recognition that trademark law provided a useful, albeit imperfect, resource for affirming the interests of religious organizations in the late nineteenth and twentieth centuries. The emergent doctrinal language of *consumers*, *deception*, *goodwill*, and *competition* in trademark law could be harnessed by religious organizations to explain their interests and operations in an era of American religious history witnessing the rapid development of an increasingly complex spiritual marketplace.⁴³ However, litigated trademark disputes—given their rarity—do not provide a comprehensive understanding of the

ways that trademarks were both understood and adopted by American religious organizations. After all, the approach to religious marks on display in lawsuits was determined by an adversarial process in which judges and lawyers deployed varied legal arguments and terminology, regardless of their theological origins and religious justifications, to assert and defend parties' divergent interests.⁴⁴ However, a different story emerges from an exploration of registration materials and other documentation discussing trademarks that occurred within religious organizations. In these instances, the language of marks—*consumer confusion*, *goodwill*, *distinctiveness*, and so on—was harnessed by religious actors to shape and direct their institutions and manage relationships with followers.

The Church of Christ, Scientist provides a uniquely valuable case study for understanding this emergent value of trademarks in American religious organization and practice. Christian Science originated in the late nineteenth century, a period that witnessed both the early development of federal trademark law as well as an unprecedented level of American spiritual ferment. This milieu heavily influenced Mary Baker Eddy, who rose to prominence in the 1870s as the "Discoverer and Founder of Christian Science."⁴⁵ As R. Laurence Moore has documented, mainstream American religious organizations in the nineteenth century increasingly adopted commercial means to proselytize, build congregations, and influence broader American culture.⁴⁶ In this respect, Eddy's efforts were consonant with broader transformations in that era, given that trademarks were designed to regulate goods in commerce. However, because of the novelty of nineteenth-century trademark law, mainstream religious organizations—already well-known among the populace—likely felt no immediate need to register their denominational names with the U.S. government. On the other hand, Eddy, as the leader of an outsider tradition that explicitly challenged the doctrinal and organizational approaches of other American Christian denominations, found in trademark law a mechanism for bolstering religious authority with the sanctioning power of law.⁴⁷ As such, Eddy—like many leaders of outsider traditions to follow, including the Church of Scientology and the Church of Jesus Christ of Latter-Day Saints—sought a level of unilateral control that trademark law could uniquely provide.

As part of her effort to assert authority over her followers and maintain control over her teachings, Eddy sought ownership of three "marks": the "Christian Science" name; her own signature; and the "Cross and Crown" symbol, which was to become the religion's central emblem. The means by which she asserted ownership included leveraging her formal intellectual property rights to

prosecute unauthorized use, a practice learned when she turned to copyright law to sue a former student for the publication of a text that heavily plagiarized *Science and Health with Key to the Scriptures*.⁴⁸ This legal strategy provided a template for extending proprietary control to the distinctive marks by which her religion would be recognized and known. This effort was considered imperative because it ensured that Eddy could indicate to her spiritual followers what materials could be traced back to herself (or the First Church of Christ, Scientist as her institutional proxy) as the lone guarantor of Christian Science teaching's Divine source.

Naming "Christian Science"

The Church of Christ, Scientist was part of a flourishing late nineteenth-century scene in which new religious movements, emerging denominations, and schismatic sects sought to distinguish themselves in a crowded field of spiritual competitors. To this end, Christian Science founder Mary Baker Eddy marshalled myriad strategies to delineate the Church's practices, differentiate itself from other religions, and assert authority over new followers. In doing so, the Church crafted a coherent and distinct organizational identity that would persevere for multiple generations even after the passing of its charismatic leader.⁴⁹ Eddy's assertion of legal control over the name "Christian Science" fit within this broader concern with the creation and stabilization of a modern spiritual organization.

The development of the term *Christian Science*, as told through trademark registration documents and other archival materials, confirms that Mary Baker Eddy—well before the formation of the Mother Church in 1894—recognized both the legal and theological power that could be conferred through the origination of a unique name for her religion. Eddy's reflections about how she named her religious practice and doctrine were intimately linked to the creation of an organizational structure through which to circulate said religion. More precisely, Eddy's early use of the term *Christian Science* demonstrated a concerted effort to take a loosely descriptive term and add unique—and legally cognizable—value to it as the label for her Divinely inspired teachings, thereby securing religious authority through exclusive ownership and control of the name of the religion.

Mary Baker Eddy explained in her early biographical materials how the name *Christian Science* best suited the practices and insights she had discovered. She dated her discovery of the yet-to-be-named religion to a February night in 1866. Eddy slipped on an icy sidewalk

and fell, injuring her back and head and resulting in a concussion and “possible spinal dislocation.”⁵⁰ After a couple of days without improvement, Eddy turned to her Bible and read from the New Testament. As she read a story of Jesus’s healing, Eddy felt a “healing Truth” dawn upon her, causing her pain to cease. To the shock of her doctors and carers, she was then able to get up and walk to the next room, fully healed from her fall. Eddy sought to share her experience and teach others how to learn to heal the sick without medicine. The spiritual teachings that emanated from this experience—grounded in the talismanic words of the Bible and a renewed understanding of Christianity with a focus on Jesus as healer—needed to be labeled to properly circulate. One of Eddy’s first manuscripts, *The Science of Man*, called her system *Moral Science*, although, after completing a draft of her book *The Science of Life* (soon to be renamed *Science and Health*) in 1873, Eddy “realized that the term Christian Science more accurately described her subject than did Moral Science.”⁵¹

The term *Christian Science*, generic as it appears (evoking the 1913 dispute over ownership of the name “New Thought Church”) was chosen as uniquely reflective of Eddy’s insights and teachings. The designation *Christian* was meant to indicate that Eddy was recovering “primitive Christianity and its lost element of healing,” which had been obscured over the years by Christian doctrinal evolution and misinterpretation.⁵² Eddy used the term *science*, on the other hand, because, according to historian Steven Gottschalk, her teaching “provided a method or rule for demonstrating universal divine law,” a use decidedly distinctive compared with conventional usage of the word *science*.⁵³

Further, Christian Science teachings were the product of unique revelation: they constituted a unified if evolving system that Eddy alone was tasked with delineating in lessons, speeches, and her central textbook, *Science and Health*. But it was a curious kind of revelation: in Gottschalk’s words, both a revelation *and* a discovery. “In the year 1866, I discovered the Christ Science or divine laws of Life, Truth, and Love, and named my discovery Christian Science. God had been graciously preparing me during many years for the reception of this final revelation of the divine Principle of scientific mental healing.”⁵⁴ The name *Christian Science* was thus useful to the extent that it was exclusive to Mary Baker Eddy while still maintaining a certain degree of separation between herself and her religion. In other words, the name *Christian Science* constituted a preemptive defense against the claims of future critics like Mark Twain, who argued that Christian Science was simply a cult of personality that he, and others, frequently derided as “Eddyism.”⁵⁵

Christian Science was thus sourced to its single originator, Mary Baker Eddy, while also being theologically descriptive: a discovery of religious Truth. As such, Christian Science could be defined within the terminology of trademark law as a descriptive mark that had earned “secondary meaning” through Mary Baker Eddy’s revelatory efforts, which in turn shaped the materials (religious services, library services, publications) that she circulated under the name “Christian Science.”⁵⁶

This narrative indicates that Eddy strategically defined and deployed the name Christian Science as a means of crafting a coherent religion, an approach consonant with the requirements of trademark law and its search for clear terminological origins. The naming of Christian Science—and assertions of legal control over that name—were coincident with the very emergence of Eddy’s organizational apparatus. This factor is evident well before the founding of the Mother Church in 1894, the moment that is identified as the start of the Christian Science Church in *Evans* (and the basis upon which the court ruled that the term *Christian Science* was a preexisting generic term and invalid as a trademark). For instance, one of the Church’s own trademark registrations for the name “Christian Science” in relation to library services (for the iconic Christian Science Reading Rooms) claimed first use of the name as a trademark in 1892.⁵⁷ Further back, the Church Manual states that, in 1879, Eddy’s Christian Science Association (itself formed in 1877) convened to form the “Church of Christ, Scientist” and draft tenets that would go on to be the foundational beliefs of the Mother Church.⁵⁸ A document on Christian Science Reading Rooms—an idea first proposed in 1887—that was submitted with one of the Church’s trademark applications sums up this process well:

Mrs. Eddy must have seen the need for a single appellation to designate these centers of spiritual discovery and enlightenment which would spread throughout the world as the branch Churches of Christ, Scientist multiplied. . . . That appellation, CHRISTIAN SCIENCE READING ROOM, in any language suggests an invitation, a welcome. . . . It calls attention to the movement which is proclaiming Truth to mankind.⁵⁹

Eddy’s efforts were necessary because of the spiritual environment in which Christian Science developed: an environment that involved an unprecedented degree of experimentation, innovation, and cross-pollination across myriad overlapping movements. These practices have been loosely categorized by scholars like Catherine Albanese and

Charles Braden as American metaphysical religion: a “broad complex” of religions that includes New Thought, mind-cure traditions, Theosophy, spiritualism, and other turn-of-the-century movements and whose successes were generated in part by their ability to escape easy categorization.⁶⁰

This spiritual milieu influenced Eddy’s teachings while also posing unique risks related to matters of consumer confusion, an issue that trademark law was designed to rectify. Eddy was indebted to some of these related spiritual projects, most notably that of her own teacher, Phineas P. Quimby, a well-known mental healer who, in Albanese’s words, “helped to catalyze Eddy’s own combinative system.” Quimby’s teaching about the healing capacities of the mind were in turn indebted to the harmonial philosophy of Andrew Jackson Davis and other spiritualist and mesmeric practices and theories.⁶¹ At times, Eddy openly recognized these various influences. For instance, Gottschalk notes that despite the word *Christian* in her organizational name, Eddy acknowledged Christianity might just be one of a “number of viable religious traditions from which inspiration could be drawn.”⁶² Even the very term *Christian Science* was used as early as 1857 by an Episcopalian Presbyterian William Adams in his book *The Elements of Christian Science: A Treatise on Moral Philosophy and Practice*. While this author’s project was quite different—aligned more with natural theology than the various tributaries of metaphysical religion—its presence speaks to the diversity of practices, and labels by which they were known, in the latter half of the nineteenth century.⁶³

Eddy asserted her presence in this environment both by establishing a traditional organization (first the Church of Christ, Scientist in 1879, then the Massachusetts Metaphysical college in 1881) and by carefully drawing doctrinal and theological boundaries, insisting repeatedly upon the difference between her own healing practices and those of spiritualism or animal magnetism. However, this very success quickly drew direct competitors who appropriated the terminology of Christian Science to divert the value of Eddy’s teachings to other practices and literature. Most egregious was “Doctor” Jean Hazzard, who proclaimed himself a “Professor of Christian Science and Oriental Philosophy: Practitioner of Applied Metaphysics and Mind-Cure,” and who published a book in 1887 that claimed to be a handbook on healing and “Practical Christian Science.” By adopting the terminology (as well as the literary style) of Eddy’s Christian Science, Hazzard garnered press coverage that included quotes from his works as representative of Christian Science, thereby generating—at least in the eyes of Eddy’s followers—damaging confusion about the true nature of the divine teachings of Christian Science.⁶⁴

Evident in Eddy's concerns with Dr. Hazzard was a broad concern with nominal ownership and control as a means of guaranteeing and authenticating the Divine truth for followers, concerns that found ready parallel in trademark law designed to guarantee product source and reduce consumer confusion. Given the variety of teachings circulating at the time, Eddy believed it imperative that readers and practitioners of Christian Science could follow publications, teachings, doctrines, and practices back to herself as "source." However, in this conflict, Eddy's desire to secure "source distinctiveness" was primarily because it ensured the "differential distinctiveness" of her teachings alongside other misguided forms of mind cure, mesmerism, and other spiritual errors. Christian Science historian Robert Peel described Eddy's reaction to Hazzard as a fear that his actions constituted "a dilution or pollution of the 'purity' of her teachings. As her terminology and phrasing were bandied around by writers with little taste for metaphysical precision, it became evident that they tended to take on a 'lower' meaning, to lose the sharp distinctions which to her were all-important."⁶⁵ As such, Hazzard's work constituted a damaging dilution and tarnishing of the Christian Science brand. Similar disputes continued throughout the 1880s and 1890s involving instances of "heterodox Christian Science" circulating without the imprimatur and guarantee from Eddy and her emerging Christian Science Church.⁶⁶

Evident in these early conflicts was the inescapable fact that the name "Christian Science" could easily elude Eddy's control in the American spiritual marketplace even as she sought to exclusively appropriate the term and use it as a brand through which to accrue good will. However, if Eddy succeeded in claiming ownership of "Christian Science," she would reap both tangible financial and spiritual benefits by crafting a clearly differentiated religious category of products and services while simultaneously leveraging the incipient power of her brand to "create a sense of affiliation and community."⁶⁷ This insight led Eddy to develop and expand her brand strategy. She thus also began using her own signature as a trademark for Christian Science materials and teachings.

The Name and Signature as Mark

Mary Baker Eddy developed and controlled the Church of Christ, Scientist not only by securing ownership of the "Christian Science" mark but also by positioning herself as the public face of the religion. In this capacity, Eddy utilized her own name—more precisely, her signature—as a stamp of authentication upon the Christian Science

materials that she approved as official Church teachings.⁶⁸ This strategy is evident even in the present day, as each book published by the Christian Science Publishing Company—including *Science and Health with Key to the Scriptures*—displays on the frontispiece the registered facsimile of Eddy's signature alongside the Cross and Crown seal. While the signature trademark was first registered in 1943 for printed books and publications, there are indications that it was circulating as a mark in the late nineteenth century.

Eddy's use of her own name and signature as marks borrowed from the strategies of literary celebrity and the economics of modern book publishing. These efforts illustrate the ways in which, as Michel Foucault famously observed, the author's name can function as a powerful and economically valuable signifier detached from the historical person designated by that name. Foucault emphasized that the author's name is primarily "a means of classification" grouping together various texts and differentiating them from others.⁶⁹ Thus, in certain instances, the name no longer references an individual writer but instead functions as a guarantee given to an audience or group of followers of a particular kind of text expected to be delivered. Examples include James Patterson novels or, more speculatively, the works of L. Ron Hubbard, who critics of Scientology often point out could not in his lifetime have produced the quantity of works attributed to him.⁷⁰ In this respect, the author's name has historically often operated as a brand, serving as a primary means through which literary attribution was recognized and accruing goodwill for the sale of future works under the same name.⁷¹

None other than Mary Baker Eddy's contemporary and public adversary Mark Twain has often been credited with explicitly and innovatively developing his pen name as a trademark. Loren Glass describes this development:

In the legal logic that undergirds patent and copyright law, a name like Shakespeare would indicate the owner of the intellectual property in question. Yet a new region of federal legislation emerged in the late nineteenth century around a third category of intellectual property, one never mentioned in the Constitution: the trademark. The idea of the authorial name as trademark proposes a new relationship between author and text—one appropriate to the emergent corporate order in the United States. If copyright recognizes property in the text based on the author's labor in creating it, trademark registration recognizes property in the text as a commodity produced in the author's name.⁷²

While Eddy's name could not claim the iconic and "fanciful" status of a *nom de plume* like Mark Twain—in fact, she claimed that her use of a pen name in her early years was simply a sign of timidity—she also took great care to build the status and goodwill of her name as an anchor for her spiritual authority.⁷³ The historical figure Mary Baker Eddy—because of her three marriages—changed names even as she was rising in prominence, going from Mary Morse Baker to Mary Baker Glover to Mary Baker Glover Patterson, to Mary Baker G. Eddy. As a result, she strategically chose to "stabilize" the name Mary Baker Eddy as a marker for her goods.

However, the most valuable trademark for Christian Science—particularly after Eddy's death—was not simply her name but rather the facsimile signature that could be placed on her texts as a guarantor of their origin and authenticity. A trademark of a facsimile of Mary Baker Eddy's signature was registered by the trustees under Mary Baker Eddy's will in 1943 for use on printed books and publications.⁷⁴ From this moment forward, all official publications for the Christian Science Church carried the signature mark and the Cross and Crown mark on their covers and front pages, accompanied by text claiming "the design of the Cross and Crown seal and the facsimile signature of Mary Baker Eddy are trademarks of the Christian Science Board of Directors. Registered in the U.S. Patent and Trademark Office and in other countries."⁷⁵

As Peggy Kamuf describes it, "A signature is not a name; at most it is a piece of a name, its citation according to certain rules. But neither is it simply a piece of common language that can be picked up and used by just anyone to any purpose." It simultaneously works to point to a singular origin with the author who inscribes it and as something imminently detachable from that person. "The signature pulls in both directions at once: appropriating the text under the sign of the name, expropriating the name into the play of the text."⁷⁶ The signature is also a legal instrument to legitimize contracts and guarantee mutual assent. In the words of Jean-Francois Blanchette, signing constitutes "the instrumentum, the physical means whereby contractual agreements are inscribed, preserved, and most importantly, exhibited."⁷⁷ The signature thus provided a uniquely suitable way of marking texts with Eddy's imprimatur while trademark served as a method to legally vouchsafe the text's meaning and value as divine Truth.

The origins of this strategy—leveraging the signature's legal power for religious authority and organization—preceded the formal registration of the signature trademark. As early as the 1870s and 1880s, Mary Baker Eddy used her signature to bind herself to texts and contractually bind others to Christian Science. Eddy's

signature on the certificates issued by the Massachusetts Metaphysical College (in which Eddy personally taught her doctrine and healing practices) ensured the authenticity of Christian Science practitioners around the nation.⁷⁸ Further, Eddy, recognizing the power of her signature, ensured that it was not to be circulated without her permission beyond her own group of students.

Eddy wrote that "all persons claiming to have been pupils, who cannot show credentials legally certifying to that effort, are preferring false claim and are not fit to be employed as Metaphysical healers." In response, Eddy's student John M. C. Murphy complained that those who studied with Eddy could not, in turn, train others because these new students could not be "authenticated" by Eddy herself. Murphy wrote, "What is going to be done with those who study with your Students. [T]hey have not any credentials legally certifying that they are Christian Scientists." This lack of credentials led directly to public confusion about the nature and identity of Christian Science practice. "The public are unable to tell the difference, while we know that it is mesmerism the public are unable to decide." The solution he posed was to have a certificate of authenticity such that "anyone claiming to be a Christian Scientist not having the Signature of Mrs Eddy on their certificate are falsifiers."⁷⁹

While Eddy used her signature to ensure authenticity and secure religious authority over her students, these efforts did not preclude the accrual of substantive financial benefits. For instance, prospective Church members could only apply for membership from Eddy's accredited students, were expected to belong solely to Christian Science, and were obligated to pay the Mother Church a yearly per capita tax.⁸⁰ Students were also incentivized to respect Eddy's rights in both the Christian Science name and her signature since they were reciprocally given exclusive permission to use the initials C. S. when advertising as a Christian Science practitioner and healer.⁸¹ Further, healers were given sole permission to charge for their treatments, which was considered both a blessing for the practitioners as well as the patients who could, through financial support, demonstrate the degree to which they valued Christian Science healing practices.⁸²

Mary Baker Eddy's signature was also prominent on the many letters, speeches, and documents that were regularly released to followers throughout Eddy's tenure as leader of the Christian Science Church. As such, her signature was necessary to authenticate her proclamations, particularly in her later years when she had receded from the public spotlight and many speculated that Eddy had died.⁸³ Like L. Ron Hubbard, Eddy allowed many of these later missives to

be written by secretaries and signed by Eddy at the bottom. Further, Eddy's signature may have been attached to early editions of *Science and Health* in a manner that became standard practice by the latter half of the twentieth century. A copy of the earliest edition of *Science and Health* published in 1875 includes Eddy's signature, which appears cut from another document and pasted into the text.⁸⁴ Whether or not the detachment, reproduction, and recirculation of Eddy's signature in this way was regular practice, its presence even in Eddy's earliest productions indicates an ongoing recognition that the signature was necessary to guarantee Christian Science content, particularly as central texts like *Science and Health* were increasingly published and circulated beyond her inner circle of acolytes and students.

While Eddy's signature legally guaranteed religious authenticity and the name "Christian Science" distinguished her religion from metaphysical competitors, neither mark served to establish a *brand* to the extent that we understand brand logics as designed to encourage and capture loyalty by facilitating affective ties between consumers and product source (or in the religious context, between followers and organization).⁸⁵ It was a third mark, the cross and crown symbol, that may have come closest to establishing a *faith brand*. The cross and crown was a powerful visual symbol for Christian Science, used as early as 1875 and designed to capture something of the religion's unique essence while also drawing on traditional religious iconography to establish Christian Science on the same level as mainline Christian denominations.⁸⁶ While not necessarily designed to elicit adoration as with the Christian cross, it nonetheless operated as a seal and guarantee that affirmed Christian Science's self-understanding as an original and authentic form of primitive Christianity.

However, as with Christian Science's other marks, the cross and crown seal was easy to replicate and difficult to manage in the precise manner Eddy desired. In fact, the most heated battles around the mark were between individuals and branches within the Christian Science Church as other branches used the symbol in ways not fully approved by Eddy. The fault lines in this debate mimicked those of the church as a whole: was it an autarchic regime controlled fully by Eddy as a charismatic leader or was Christian Science a religion that was "owned" as much by the various followers and branches across the nation as by the Mother Church in Boston? These fault lines should be familiar not only to historians of new religious movements, which often face the same dilemmas at critical points in their development, but also to brand historians, as successful brands likewise have been challenged by the appropriation and

transformation of corporate signs by those consumers invested in them as resources for the forging of individual identity and social belonging.

The Cross and the Crown

The cross and crown trademark served and continues to serve as the legal lynchpin for the Christian Science Church.⁸⁷ A recent letter from the General Counsel of the Mother Church asserts that “the Cross and Crown seal is the central emblem of Christian Science. The Cross and Crown is also a registered trademark of the Christian Science Board of Directors and has long been used on Mary Baker Eddy’s writings and the Christian Science periodicals to indicate the authenticity of these products.”⁸⁸ The trademark consists of a crown (the celestial or Christian crown, which replaced an earlier version that mistakenly included a princely coronet with no religious significance) with a cross passing through it on a diagonal.⁸⁹ It is surrounded by a circular band that contains wording from Matthew 10:8: “Heal the Sick, Raise the Dead, Cleanse the Lepers, Cast Out Demons,” which constitute Jesus’s four imperatives. The symbol and words combined are designed to symbolize “the united focus on healing that branches and church members have with the Mother Church and with each other.”⁹⁰ By licensing the trademark to formal branches connected to the Mother Church, the Cross and Crown could appear on “church and Reading Room building signs, websites, stationary, brochures, and advertising—a presence that not only helps protect the emblem as a legal trademark, but also shows connections between individuals and communities around the world to the Mother Church.”⁹¹

Like the name “Christian Science,” the development of the cross and crown symbol can be traced back to the religion’s early development in 1875. It first appeared on Mary Baker Eddy’s home in Lynn, Massachusetts, in the form of a cross with a crown hovering above it next to a sign reading “Mary B. Glover’s Christian Scientists’ Home.” Its first appearance on a publication was as a seal on the cover of the third edition of *Science and Health*, published in 1881.⁹² From this point, Eddy carefully managed the design of all her book covers to feature the cross and crown as a unifying mark.⁹³ It was this use—as a seal marking official publications—that was noted in the trademark registration application filed in 1915, five years after Eddy’s death: “This mark is usually imprinted in gold leaf on leather and cloth bound books and in black ink on paper bound publications.”⁹⁴ Also, from the mid-1880s on, the seal was used alongside Eddy’s signature on the diplomas issued by the

Massachusetts Metaphysical College that certified membership in the fledgling Christian Scientist Association.⁹⁵

As with “Christian Science,” the cross and crown symbol was not unique to Eddy’s religion but was uniquely appropriated for specific organizational uses. Both Protestant and Catholic churches had used the symbol, and Eddy may have first encountered it on the cover of a book of church rules for the Congregational Church in Concord, New Hampshire.⁹⁶ But this familiarity among American Christians was a perceived strength of the mark. Stephen Gottschalk has explained that Eddy’s use of Christian symbolism was important as a means of distinguishing her teaching from New Thought, which rarely incorporated reference to Jesus and Christianity into its teachings and practices. By contrast, “[o]nly through Jesus’ suffering and triumph which the ‘Cross and Crown’ symbolized, Mrs. Eddy felt, could mortals be shown the way out of the flesh. . . . Hence to Mrs. Eddy, the central Christian revelation was absolutely essential to the salvation of men.”⁹⁷ Eddy worked on the specific design of the mark throughout the 1890s, specifically altering it until she could claim it as her own. For instance, she commissioned additional design work on the mark in 1899, after which she wrote to the engraver, “The design of the Cross and Crown, made in the shape of an emblem of Christian Science has been carefully examined by me and the design and work is very artistic and beautiful. I accept this design and it shall always stand as the emblem of Christian Science.”⁹⁸ Thus the symbol—with its theological meaning—operated as a descriptive mark that strategically positioned Christian Science in relation to its competitors while also accruing secondary meaning once it became fully associated with the Mother Church.

While the name “Christian Science” was broadly utilized to refer to all of Eddy’s followers (Church adherents and healers alike), and the Eddy signature narrowly served to mark those products that originated with Eddy, the cross and crown occupied a middle-ground in terms of scale.⁹⁹ It was meant to mark those branches and individuals within Christian Science through which the religious mission could be advanced even as they might not be authorized to independently guide followers and innovate doctrine themselves. As Eddy acted as amanuensis for God, so, too, would these authorized figures be “vehicles” for Eddy’s guidance and command. Hence, even before formal systems of licensing were instituted, the cross and crown served to mark those churches and figures authorized to operate on behalf of Eddy and the Mother Church. This utilization of the cross and crown mark then sought—in the words of trademark scholar Paul Duguid—to ensure a monoglossic mark: one that created a unified voice across the

religious organization's entire "supply chain" from Eddy down through branches and finally to the spiritual consumer.¹⁰⁰

As a result, conflicts involving the authorized use of the cross and crown in the late nineteenth and early twentieth century all involved Christian Science teachers and branches that appeared too independent from the Mother Church and so needed to be reined in. In other words, if increasingly autonomous churches used the cross and crown symbol, the presence of that symbol might mistakenly suggest that the branch churches were a legitimate source of Christian Science teaching and guidance rather than Eddy and the Mother Church. The most egregious instance of this threat involved Augusta Stetson and the First Church of Christ, Scientist in New York, which had become the largest and most influential local branch in the world under Stetson's leadership.¹⁰¹

Augusta Stetson was introduced to Christian Science in 1884 and developed a close relationship with Mary Baker Eddy. As a result, in 1886, Eddy entrusted Stetson with establishing a local branch in New York City.¹⁰² Stetson's natural charisma figured as both a spur for the movement's growth as well as a threat to Eddy's control, even as Stetson never wavered in her commitment to Eddy's leadership. Conflicts between Eddy and Stetson emerged around the latter's embrace of materialism as being consonant with Christian Science teachings, a kind of Christian Science prosperity gospel. For instance, in a 1902 talk, Stetson said: "We need health and strength and peace, and for these we look to God. But let us not forget that we also need *things*, things which are but the type and shadow of the real objects of God's creating, but which we can use and enjoy until we wake to see the real." Christian Science historian Robert Peel describes comments like these as demonstrating a "covert materialism of which critics accused Mrs. Eddy but which is actually a far cry from her teaching."¹⁰³ Stetson also asserted that her branch was the only legitimate Christian Science church in New York City (despite another fully sanctioned Second Church of Christ, Scientist having been opened in New York City by another Eddy student, Laura Lathrop).¹⁰⁴

While Mary Baker Eddy primarily managed her doctrinal and personal conflicts with Stetson via correspondence, conversation, and eventually excommunication, she also monitored and restricted Stetson's use of Christian Science marks. Because Eddy understood the presence of the cross and crown to be a sign of verification and approval, she restricted its use among Stetson acolytes and other members of the New York branch. In April 1893, Eddy's personal assistant wrote to the Church's assistant pastor and Stetson's closest associate Carol Norton after it had been discovered that Norton's

poem included reference to the cross and the crown. “The ‘cross and crown’ is her [Eddy’s] trademark and is copyrighted so of course you will not use that as she allows no one to infringe her copyright.”¹⁰⁵

More directly, in 1896, Mary Baker Eddy wrote to Norton regarding Augusta Stetson’s use of the cross and crown symbol:

Now dear child you are obedient and I ask that you carry out Mrs Stetsons obedience for her, namely, Drop from use my copyrighted book mark on Science and Health. I drew that with a pencil for the man who moulded it for me. I have repeatedly told Mrs Stetson not to use it. Now in the name of God I bid her not to dedicate your church with the sign in her public notices of that sacred seal.¹⁰⁶

Subsequently, Eddy’s concerns with Stetson resulted in a blanket refusal to all churches desiring to use the cross and crown symbol, particularly in church architecture. A request to use the seal in the stained glass for the Sioux City branch church was denied even though there was no indication that the denial had to do with issues of obedience or apostasy. Eddy’s assistant simply responded, “Many have asked for that and she has had for all but one [answered] I give you this right I must to all do the same which would break my copyright on it.”¹⁰⁷

Eddy even denied the use of the cross and crown symbol to the Second Church of Christ, Scientist in New York City despite the church demonstrating greater conformity to Eddy’s leadership than Stetson’s First Church. Laura Lathrop’s son John Lathrop wrote to Eddy requesting permission, and Eddy refused, writing, “The cross or crown should not go on to one church and not all the CS Churches. Stetson I believe put it on without my knowledge.”¹⁰⁸ Ultimately, these conflicts around Stetson and her leadership led to Eddy reducing the autonomy of branch church leaders through a number of decisions, including eliminating pastors and replacing them with lay readers whose power was restricted to reading passages from the Bible and *Science and Health*, and limiting branch leaders to three-year terms.¹⁰⁹

Eddy’s successful resolution of her conflict with Stetson validated her brand strategy, which was refined through the first decade of the twentieth century. At its foundation, this strategy involved limiting the cross and crown to two distinct but interrelated uses. First, the mark continued to circulate attached to authorized publications. Second, the mark was also exclusively incorporated into the design and architecture of the Mother Church in Boston.¹¹⁰

With these two authorized uses, the cross and crown seal linked distributed, authorized texts to their nodal source in the Mother Church, with Eddy's works of authorship visually reminding readers of its ecclesiastical origin. This approach continued after Eddy's death in 1910, with her prohibitions gaining additional legal authority once the cross and crown was formally registered as a trademark.

While Eddy's assertions of exclusive ownership may appear unnecessarily prohibitive, her legal management of religious signs was grounded in the normative, theological, and organizational rationales established by Eddy in the decades prior. Thus over the next few decades—and, to a lesser extent, even today—the Christian Science church continued Eddy's restrictive policies. For instance, in 1922, a prominent architect commissioned to build a Christian Science church in The Hague was denied permission to use the cross and crown motif in his design. Church representatives claimed that Eddy would not have approved.¹¹¹

Conclusion

The Church of Christ, Scientist's three key trademarks were the Church name, the founder's signature, and the religious emblem. Triangulated, they all traced a straight line from Christian Science branch churches and materials back to Mary Baker Eddy as discoverer and founder, and the Mother Church as the architectural and organizational embodiment of Eddy's authority. The Christian Science name distinguished Eddy's organization from New Thought and mesmeric competitors, the signature ensured Eddy's authorship and authorization for texts and practitioners alike, and the Cross and Crown bound emerging branches to the Mother Church as font for their doctrine and practice. In the process, Eddy sought to accomplish two goals: to distinguish Christian Science from competitors in the religious marketplace, and to ensure clear and consistent designation of spiritual source.

Mary Baker Eddy's use of trademarks in the creation and management of Christian Science appears to be less a deviation from the doctrinal form and consumer-driven logic of trademark law than a successful strategy to graft corporate legal tools into the structure and operations of a religious organization, thereby maintaining control over functionaries—pastors, Board members, healers—as well as ensuring the consistent delivery of doctrinal content to end-point consumers of the faith. Eddy's narrative demonstrates a

profoundly savvy understanding of the power of the mark to ensure a strong, recognizable, marketable, and stable faith brand for an emerging religious organization, a strategy eventually replicated by other new religious movements seeking to craft a clear organizational identity. For instance, L. Ron Hubbard “trademarked many of the religion’s identifying words and symbols” thereby providing “a legal mechanism by which to ensure Scientology’s religious technologies . . . not altered by misappropriation or improper use.”¹¹² Similarly, the Intellectual Reserve, Inc., an “asset management company” operated by the Latter-Day Saints, owns trademarks in the Church name and symbol as well as associated marks like *Mormon*, *LDS*, and *CTR*.¹¹³ Subsequently, most contemporary churches and religious movements have adopted policies regarding the unauthorized use of affiliated names and symbols; however, the degree to which these churches have been willing to pursue legal action based on those unauthorized uses varies widely.¹¹⁴

While Eddy did not rely on trademark law itself—an innovation that was to be pursued by the Christian Science Board of Directors shortly after her death—and often spoke of the protection of her marks with the language of copyright with which she was intimately familiar, Eddy mobilized a consistent and legally sound brand strategy reinforced by the power of her charismatic authority. These strategies coincided with the twentieth-century development of the trademark as a valuable “intangible asset” for modern corporations and likewise utilized marks not only to identify the source of goods to spiritual consumers but also to link together Mother Church and branches, founder and readers, religion and followers into a coherent and stable corporate entity.¹¹⁵ This work, which ensured the integrity of the Christian Science Church and its brand, provided a template for all American religious organizations who may seek to shape and control the signs by which they are known for uniquely spiritual ends.

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Notes

¹According to the Plainfield Church, the dispute began when the Christian Science Board of Directors demanded that the local church replace its Board of Trustees with a new Board “willing to

swear an oath of allegiance to the Boston Directors." The Plainfield Church interpreted this demand as "unwarranted interference in our church's internal affairs" and rejected it. Plainfield Christian Science Church, Independent, "History of our Independence," 2019, accessed July 8, 2022, <https://plainfieldcs.com/about-us/>.

²*Christian Science Board of Directors of the First Church of Christ v. Evans* 105 N.J. 297 (1987). The court ultimately ruled against the Church, claiming that *Christian Science* is a generic term. This ruling and others like it will be examined in the following section.

³The first federal trademark acts were passed in 1870 and 1876, while Mary Baker Eddy's foundational text for the Christian Science religion, *Science and Health with Key to the Scriptures* (Boston: Christian Science Board of Directors, 1875), was first published in 1875. On trademark history, see Dan Hunter, *The Oxford Introductions to U.S. Law: Intellectual Property* (New York: Oxford University Press, 2012), 142–43.

⁴This summary of trademark law is based on Clay Calvert, Dan V. Kozlowski, and Derigan Silver, *Mass Media Law*, 21st ed. (New York: McGraw Hill, 2020), 534–37.

⁵*Qualitex Co. v. Jacobson Prods. Co.* 514 U.S. 159 (1995), quoted in Hunter, *Intellectual Property*, 133.

⁶William Henry Browne, *A Treatise on the Law of Trade-Marks and Analogous Subjects* (Boston: Little, Brown, 1873), 238; Paul Duguid, "French Connections: On the International Propagation of Trademarks in the Nineteenth Century," *Enterprise and Society* 10, no. 1 (2009): 7.

⁷Browne, *A Treatise*, 464.

⁸Registration is not permitted if a mark "[c]onsists of or comprises immoral, deceptive, or scandalous matter; or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute." This prohibition and its use to deny the registration of religious marks is discussed in Jasmine Abdel-Khalik, "To Live in In-'fame'-y: Reconceiving Scandalous Marks as Analogous to Famous Marks," *Cardozo Arts and Entertainment Law Review* 25 (2007): 173–236. This article also draws attention to Browne's *Treatise* and its discussion of prohibited marks like the Masonic emblem. This prohibition was recently deemed an unconstitutional infringement on free expression in the landmark case *Iancu v. Brunetti* 588 U.S. ___ (2019).

⁹Quoted in Abdel-Khalik, "Scandalous Marks," 202.

¹⁰Hearing Before the Judiciary on H.R. 435, "To Prohibit the Use of the Name of Any Church, Religious Denomination, Society, or Association for the Purposes of Trade and Commerce," February

3, 1916 (Washington: Government Printing Office, 2016), 5. This hearing is discussed in Timothy Gloege, *Guaranteed Pure: The Moody Bible Institute, Business, and the Marking of Modern Evangelicalism* (Chapel Hill: University of North Carolina Press, 2015), 1–2.

¹¹Hearing on H.R. 435, 5.

¹²*Ibid.*, 8.

¹³*Ibid.*, 11.

¹⁴*Ibid.*, 13.

¹⁵*Ibid.*, 26.

¹⁶*Ibid.*, 34. This speaker—Ira Jewell Williams—later continues, “There is nothing particularly sacred in a name. There are 177 different sects in the United States and some of them have very peculiar names.” *Ibid.*, 35.

¹⁷Such is the conclusion also drawn by Timothy Gloege in his important, albeit brief, analysis of this proposed bill. Gloege, *Guaranteed Pure*, 2.

¹⁸Gloege, *Guaranteed Pure*, 139.

¹⁹The literature on the adoption of business practices in American religion and the influence of business on religious practice is robust and growing. Contemporary work in this space includes Bethany Moreton, *To Serve God and Wal-Mart: The Making of Christian Free Enterprise* (Cambridge, MA: Harvard University Press, 2010); Jan Stievermann, Philip Goff, and Detlef Junker, eds., *Religion and the Marketplace in the United States* (New York: Oxford University Press, 2015); Darren Grem, *The Blessings of Business: How Corporations Shaped Conservative Christianity* (New York: Oxford University Press, 2016); Amanda Porterfield, Darren Grem, and John Corrigan, eds., *The Business Turn in American Religious History* (New York: Oxford University Press, 2017); Amanda Porterfield, *Corporate Spirit: Religion and the Rise of the Modern Corporation* (New York: Oxford University Press, 2018); Daniel Vaca, *Religion Incorporated: Books and the Business of Religion in America* (Cambridge, MA: Harvard University Press, 2019).

²⁰Gloege, *Guaranteed Pure*, 177.

²¹*Ibid.*, 222, 230.

²²Porterfield, Grem, and Corrigan, *Business Turn*, xi, 5.

²³*Ibid.*, 8.

²⁴Vaca, *Religion Incorporated*, 58.

²⁵Jean-Claude Usunier and Jörg Stolz, “Religions as Brands: New Perspectives on the Marketization of Religion and Spirituality,” in *Religions as Brands: New Perspectives on the Marketization of Religion and Spirituality*, ed. Jean-Claude Usunier and Jörg Stolz (New York: Routledge, 2014), 16. The authors go on to write that they consider religious brand names “pre-industrial property rights. . . . They are

non-economic and non-institutionalized exclusion rights, which include the moral, but not the commercial aspects of property rights." As my analysis will demonstrate, I do not consider it necessary to classify religious brand names as a sui generis form of property given the inseparability of religion and commercial interests that Usunier and Stolz seek to disarticulate, although the ways that religious marks overlap with legal definitions of property rights as created by trademark law are undoubtedly uneven.

²⁶Usunier and Stolz, "Religions as Brands," 16.

²⁷Levi McLaughlin, Aike P. Rots, Jolyon Baraka Thomas, and Chika Watanabe, "Why Scholars of Religion Must Investigate the Corporate Form," *Journal of the American Academy of Religion* 88, no. 3 (September 2020): 693–725.

²⁸Abdel-Khalik, "Scandalous Marks."

²⁹Loryn P. Riggola, "Trademark Law: Generic Term—Name of Religion Included within Church Name Can Be Generic and Not Entitled to Trademark Protection," *Seton Hall Law Review* 18 (1988): 975.

³⁰*Purcell v. Summers* 145 F.2d 979, 985 (4th Circ. 1944). Quoted in David A. Simon, "Register Trademarks and Keep the Faith: Trademarks, Religion and Identity," 49 *IDEA—The Intellectual Property Law Review* (2009): 271.

³¹*New Thought Church v. Chapin* 159 App. Div. 723 (N.Y. App. Div. 1913).

³²*McDaniel v. Mirza Ahmad Sorab* 27 N.Y.S. 2d 525 (1941).

³³For approaches that ultimately decide that religious trademarks do not pose particularly intractable challenges to trademark law or First Amendment protections, see Jed M. Silversmith and Jack A. Guggenheim, "Between Heaven and Earth: The Interrelationship Between Intellectual Property Rights and the Religion Clauses of the First Amendment," *Alabama Law Review* 52 (2001): 467–527; Diego Puig, "To God What Is God's and to Caesar What Is Caesar's: Aesthetic Functionality as a Valve between Trademark Rights and Religious Freedoms," *Journal of Technology Law and Policy* 9 (2004): 81–105.

³⁴*Christian Science Board of Directors of the First Church of Christ v. Evans* 105 N.J. 297 (1987).

³⁵Steven John Olsen, "Protecting Religious Identity with American Trademark Law," *Chicago-Kent Journal of Intellectual Property* 12, no. 129 (2013); Jenna DiJohn, "Examining the Outer-Limits of Trademark Law in the Religious Context and Potential Implicit Bias for Non-Secular Litigants: *Eller v. Intellectual Reserve, Inc.*," *DePaul Journal of Art, Technology and Intellectual Property Law* 25, no. 1 (2016): 209–38.

³⁶The Christian Science Board of Directors argued that *Christian Science* was a descriptive term with secondary meaning rather than a generic term.

³⁷*Christian Science Board of Directors of the First Church of Christ v. Evans* 105 N.J. 297 (1987).

³⁸Steven John Olsen analyzes this approach in “Protecting Religious Identity.”

³⁹The relevant case involving the Church of Scientology is *Church of Scientology Int’l v. Elmira Mission of Church of Scientology* 794 F. 2d 38 (1986).

⁴⁰Mary Baker Eddy, *Church Manual of the First Church of Christ Scientist, in Boston, Mass*, 89th ed. (Boston: Trustees under the Will of Mary Baker G. Eddy, 1938): 58, 70–74.

⁴¹The most thorough analysis of the source-indicating function or “source distinctiveness” in trademark as contrasted with “differential distinctiveness” comes from Barton Beebe, “The Semiotic Analysis of Trademark Law,” *UCLA Law Review* 51 (2004): 621–704.

⁴²The formal classifications of goods for which religious trademarks are registered are usually Class 16: Paper and Printed Material Products; Class 038: Communication Services; Class 41: Education and Entertainment Services; and Class 45: Personal, Legal, and Social Services, which can include religious services, sermons, instruction, and meetings.

⁴³For the evolution of the American religious marketplace, see R. Laurence Moore, *Selling God: American Religion in the Marketplace of Culture* (New York: Oxford University Press, 1994). Other scholarship developed to understand the American religious marketplace—with varying emphases on the role of spiritual branding—include Mara Einstein, *Brands of Faith: Marketing Religion in a Commercial Age* (New York: Routledge, 2008); Jeremy Carrette and Richard King, *Selling Spirituality: The Silent Takeover of Religion* (New York: Routledge, 2005); Richard Cimino and Don Lattin, *Shopping for Faith: American Religion in the New Millennium* (San Francisco: Jossey-Bass, 1998); and “Branding Religion,” in Sarah Banet-Weiser, *Authentic: The Politics of Ambivalence in a Brand Culture* (New York: NYU Press, 2012): 165–210.

⁴⁴Simon, “Register Trademarks,” 233. See also Ankita Aseri, “Commercializing Religion via Trademarking God,” *The Journal of World Intellectual Property* (2019): 1–7; Olsen, “Protecting Religious Identity with American Trademark Law.” A religious studies article that makes similar claims is Wenqi Liu, “Protection of Religious Signs under Trademark Law: A Perspective of China’s Practice,” *Religions* 8 (2017): 246.

⁴⁵Eddy published the first edition of *Science and Health* in 1875. Mary Baker Eddy and her students formed a church in 1879. Mary Baker Eddy Library, "A Chronology of Events Surrounding the Life of Mary Baker Eddy," accessed July 8, 2022, https://www.marybakereddylibrary.org/wp-content/uploads/2022/02/2.10.22-MBE_detailed_annotated-chronology.pdf.

⁴⁶Moore, *Selling God*, 119.

⁴⁷R. Laurence Moore, *Religious Outsiders and the Making of Americans* (New York: Oxford University Press, 1986): 105–27. On the power of the law to recognize religious identity and rights in very different contexts, see Sarah Barringer Gordon, *The Spirit of the Law: Religious Voices and the Constitution in Modern America* (Cambridge, MA: Harvard University Press, 2010); Isaac Weiner, *Religion Out Loud: Religious Sound, Public Space, and American Populism* (New York: New York University Press, 2014); Tisa Wenger, *We Have a Religion: The 1920s Pueblo Indian Dance Controversy and American Religious Freedom* (Chapel Hill: University of North Carolina Press, 2009).

⁴⁸For Eddy and copyright, see Andrew Ventimiglia, *Copyrighting God: Ownership of the Sacred in American Religion* (New York: Cambridge University Press, 2019), 115–49.

⁴⁹James R. Lewis, *Legitimizing New Religions* (New Brunswick: Rutgers University Press, 2003); James R. Lewis and Olav Hammer, eds., *The Invention of Sacred Tradition* (New York: Cambridge University Press, 2007).

⁵⁰This narrative has been given many times. This gloss largely comes from Isabel Ferguson and Heather Vogel Frederick, *A World More Bright: The Life of Mary Baker Eddy* (Boston: Christian Science Publishing Society, 2013), 59.

⁵¹Ferguson and Frederick, *A World More Bright*, 83.

⁵²Mary Baker Eddy, *Church Manual*, 17.

⁵³Stephen Gottschalk, *The Emergence of Christian Science in American Religious Life* (Berkeley: University of California Press, 1973), 26. While Eddy's use of the term *science* is unusual, David J. Hess notes that spiritualists during this same time period—a group from which Eddy often sought to distinguish herself—were interested in extending the language and practice of science into spiritual domains. David J. Hess, *Science in the New Age: The Paranormal, Its Defenders, and American Culture* (Madison: University of Wisconsin Press, 1993), 19.

⁵⁴Quoted in Gottschalk, *The Emergence of Christian Science*, 28. The original quote comes from Eddy, *Science and Health with Key to the Scripture*.

⁵⁵Mark Twain, *Christian Science* (New York: Harper and Brothers, 1907). See also, Gloege, *Guaranteed Pure*, 186.

⁵⁶This was precisely the argument presented by the Board of Directors in *Evans*.

⁵⁷“Christian Science” Trademark Registration No. 897131 (Aug. 18, 1970).

⁵⁸Eddy, *Church Manual*, 17. For the original formation of the Christian Scientist Association, see Robert Peel, *Mary Baker Eddy: The Years of Trial* (New York: Holt, Rhinehart and Winston, 1971), 11.

⁵⁹“Dispatches for Reading Room Workers,” Issued by the Reading Room Division, Department of Branches and Practitioners, Boston, MA, April 1965.

⁶⁰Albanese, *A Republic of Mind and Spirit*, 9; Charles S. Braden, *Spirits in Rebellion: The Rise and Development of New Thought* (Dallas: Southern Methodist University Press, 1963).

⁶¹Albanese, *A Republic of Mind and Spirit*, 285–86.

⁶²Gottschalk, *The Emergence of Christian Science*, 100.

⁶³William Adams, *The Elements of Christian Science: A Treatise on Moral Philosophy and Practice* (Philadelphia: H. Hooker and Co., 1857). Interestingly, in 1911, the author Charles Robinson turned to Adams to argue that this 1857 work demonstrated true Christian Science in distinction with Eddy’s “cult” of Christian Science. Charles Robinson, *Comparative and Rational Christian Science* (Chicago: Rational Health Methods Society, 1911). Similar uses of the term *Christian Science* from the 1850s are cited in the Oxford English Dictionary entry, “Christian Science, n.” *OED Online* (Oxford University Press, 2019), accessed July 8, 2022, <https://www.oed.com/view/Entry/32466?redirectedFrom=%22Christian+Science%22&>.

⁶⁴Gottschalk, *The Emergence of Christian Science*, 111–12.

⁶⁵Peel, *Mary Baker Eddy*, 359.

⁶⁶These disputes, largely interpreted through the lens of plagiarism, are chronicled in Chapter 3 of Gottschalk’s *The Emergence of Christian Science*, 98–157.

⁶⁷Katja Rakow, “Religious Branding and the Quest to Meet Consumer Needs,” in *Religion and the Marketplace in the United States*, ed. Jan Stievermann, Philip Goff, and Detlef Junker (New York: Oxford University Press, 2015), 218.

⁶⁸Eddy is often considered an early example of religious celebrity like Aimee Semple McPherson and Billy Graham. Kathryn Lofton, *Consuming Religion* (Chicago: University of Chicago Press, 2017), 109.

⁶⁹Michel Foucault, “What Is an Author?” in *Aesthetics, Method, and Epistemology*, ed. James D. Faubion (New York: The New Press, 1998), 210.

⁷⁰For Patterson and stylometric evidence demonstrating he rarely writes his own books, see Simon Fuller and James O’Sullivan,

“Structure over Style: Collaborative Authorship and the Revival of Literary Capitalism,” *Digital Humanities Quarterly* 11, no. 1 (2017). For Hubbard, see Dorthe Refslund Christensen, “Scientology and Self-Narrativity: Theology and Soteriology as Resource and Strategy” and “Sources for the Study of Scientology: Presentations and Reflections,” in *Scientology*, ed. James R. Lewis (New York: Oxford University Press, 2009). Christensen notes that, like Eddy, “the most important *brand* [in Scientology] is Hubbard. Therefore he is the central object in the branding and marketing promotions of the church.” Christensen, “Sources for the Study of Scientology,” 112. She also writes that Hubbard’s name on documents were not necessarily an indication that he was the author. See also Cylor Spaulding and Melanie Formantin, “Building a Religious Brand: Exploring the Foundations of the Church of Scientology through Public Relations,” *Journal of Public Relations Research* 29, no. 1 (2017): 38–50.

⁷¹The name as brand and trademark has been explored by legal scholars as well. See Jane C. Ginsburg, “The Author’s Name as Trademark: A Perverse Perspective on the Moral Right of ‘Paternity,’” *Cardozo Arts and Entertainment Law Journal* 23 (2005): 379–89; Laura Heymann, “Naming, Identity, and Trademark Law,” *Indiana Law Journal* 86 (2011): 381–445.

⁷²Loren Glass, *Authors Inc.: Literary Celebrity in the Modern United States, 1880–1980* (New York: New York University Press, 2004), 79. Samuel Clemens even tried to defend the name “Mark Twain” as a trademark in *Clemens v. Belford Clark and Co.* (1883).

⁷³Gillian Gill, *Mary Baker Eddy* (Cambridge: Perseus, 1998), 585.

⁷⁴“Mary Baker Eddy” Trademark Registration No. 403487 (September 28, 1943).

⁷⁵For example, See Eddy, *Science and Health and Prose Works Other Than Science and Health* (Boston: Christian Science Board of Directors, 1925).

⁷⁶Peggy Kamuf, *Signature Pieces: On the Institution of Authorship* (Ithaca, NY: Cornell University Press, 1988): 12–13. The exemplary piece on the nature of the signature is Jacques Derrida’s *Glas*, trans. John P. Leavey Jr. and Richard Rand (Lincoln: University of Nebraska Press, 1986).

⁷⁷Jean-Francois Blanchette, “The Digital Signature Dilemma,” *Annales des Télécommunications* 66, no. 7–8 (August 2006): 909.

⁷⁸For instance, see the printed certificate given to Caroline Noyes in 1884, available in the archive of the Mary Baker Eddy Library. “Mary Baker Eddy to Caroline D. Noyes,” February 25, 1884 (L13268).

⁷⁹“John M. C. Murphy to Mary Baker Eddy,” February 9, 1885 (361.48.023), Mary Baker Eddy Library.

⁸⁰Mary Baker Eddy, *Church Manual*, 34–36, 44.

⁸¹*Ibid.*, 46.

⁸²“Why Do Christian Science Practitioners Charge for Treatment?” *The Christian Science Journal* (August 1997).

⁸³An early example is a letter from Eddy to the *Globe Democrat* in which Eddy wrote, “Some weeks I forwarded you a ‘Card’ over my own signature to refute the public notice from a newspaper that I was dead!” “Mary Baker Eddy to Joseph B. McCullagh,” October 15, 1884 (L14021). On Eddy’s later years, Gill writes, “Secretaries now did much of the voluminous correspondence, sending out typewritten missives on Mrs. Eddy’s behalf, under their own names or with her signature at the bottom, and the authenticity even of the signature was coming into doubt.” Gill, *Mary Baker Eddy*, 475.

⁸⁴“Inscription in *Science and Health*,” 1875 (L18283), Mary Baker Eddy Library.

⁸⁵For a survey of contemporary brand logics and their relation to trademark law, see Mario Biagioli, Anupam Chander, and Madhavi Sunder, “Brand New World: Distinguishing Oneself in the Global Flow,” *UC Davis Law Review* 47, no. 2 (December 2013): 455–772.

⁸⁶While some scholars have conceptualized religious belonging as a form of brand loyalty, few have explored the active organizational efforts that religions might engage in order to foster religious brand loyalties. For religious brand loyalty, see Paul Djupe, “Religious Brand Loyalty and Political Loyalties,” *Journal for the Social Scientific Study of Religion* 39, no. 1 (2000): 78–89; Brian Goff and Michelle Trawick, “The Importance of Brand and Competition in Defining U.S. Religious Markets,” *Southern Economic Journal* 64, no. 4 (2008): 1035–48.

⁸⁷The symbol has been the subject of a wealth of articles in the *Christian Science Journal* and *Christian Science Sentinel* from the earliest in 1908 to 1996.

⁸⁸“Limited Licensing of the Cross and Crown Seal to Begin in January 2007,” *The Christian Science Journal* (January 2007).

⁸⁹“Heal-the-Sick-Raise-the-Dead +Cleanse-the-Lepers-Cast-Out-Demons,” Trademark Registration No. 109112 (March 21, 1916); “The History of the Cross and Crown Emblem,” Mary Baker Eddy Library (March 9, 2012), accessed July 8, 2022, <https://www.marybakereddylibrary.org/research/history-of-the-cross-and-crown-emblem/>. On the changes to the crown, see “Mary Baker Eddy to Archibald McLellan,” November 1907 (L07073), Mary Baker Eddy Library.

⁹⁰“Limited Licensing.”

⁹¹“Extending the Global Reach of the Cross and Crown,” *The Christian Science Journal*, October 2008. This licensing arrangement was formally initiated in 2007. Presumably, before that, the method of granting permission for use of the Cross and Crown symbol was not as systematic or well delineated, as the Christian Science Church Manual made no specifications regarding its use.

⁹²“History of the Cross and Crown.”

⁹³For instance, in 1897, Eddy’s personal assistant wrote to her publisher to ensure uniformity across publications: “You will have a die to put name of book and ornaments on back. In gilt same style as on S. & H. Also notice that the seal is properly placed on cover same as on Science and Health.” “Calvin A. Frye to Joseph Armstrong,” January 30, 1897 (L06581), Mary Baker Eddy Library. See also Eddy’s direct guidance to the publisher in “Mary Baker Eddy to Joseph Armstrong,” January 23, 1897 (L02813), Mary Baker Eddy Library.

⁹⁴“Letter from Frank Peckham, Attorney to the Commissioner of Patents,” December 11, 1915, Trademark Status and Document Retrieval (TSDR).

⁹⁵For instance, see “Diploma from Mary Baker Eddy to Edward H. Hammond,” April 2, 1885 (L09533), Mary Baker Eddy Library.

⁹⁶“History of the Cross and Crown.”

⁹⁷Gottschalk, *The Emergence of Christian Science*, 119–20.

⁹⁸“Mary Baker Eddy to J. C. Derby,” December 7, 1899 (L10837), Mary Baker Eddy Library.

⁹⁹In his article “Scaling Red and the Horror of Trademark,” Constantine Nakassis analyzes how trademark law attends to the scale of a trademark: not too broad as to pull symbolic resources from public use but not too narrow as to render the trademark valueless. The cross and crown is scaled in just such a manner, strategically approaching but falling short of the scale of generic Christian iconography. Constantine Nakassis, “Scaling Red and the Horror of Trademark,” in *Scale: Discourse and Dimensions of Social Life*, ed. E. Summerson Carr and Michael Lempert (Berkeley: University of California Press, 2016), 159–84.

¹⁰⁰Paul Duguid, “Information in the Mark and the Marketplace: A Multivocal Account,” *Enterprise and Society* 15, no. 1 (2014), 1–30.

¹⁰¹Rolf Swenson, “‘You Are Brave but You Are a Woman in the Eyes of Man’: Augusta E. Stetson’s Rise and Fall in the Church of Christ, Scientist,” *Journal of Feminist Studies in Religion* 24, no. 1 (2008): 75–76.

¹⁰²*Ibid.*, 77–78.

¹⁰³Robert Peel, *Mary Baker Eddy: The Years of Authority* (New York: Holt, Rhinehart and Winston, 1977), 330.

¹⁰⁴Swenson, “You Are Brave but You Are a Woman,” 79.

¹⁰⁵“Calvin A. Frye to Carol Norton,” April 3, 1893 (V01212), Mary Baker Eddy Library.

¹⁰⁶“Mary Baker Eddy to Carol Norton,” September 26, 1896 (L02377), Mary Baker Eddy Library.

¹⁰⁷“Lucia W. Stone to Calvin A. Frye,” September 23, 1897 (L09780), Mary Baker Eddy Library.

¹⁰⁸“John C. Lathrop to Mary Baker Eddy,” October 4, 1898 (L09749), Mary Baker Eddy Library.

¹⁰⁹Swenson, “You Are Brave but You Are a Woman,” 82.

¹¹⁰Jeanne Halgren Kilde, “Material Expression and Materialism in Mary Baker Eddy’s Boston Churches: How Architecture and Gender Compromised Mind,” *Material Religion* 1, no. 2 (2005): 175.

¹¹¹Paul Ivey, “American Christian Science Architecture and Its Influence,” June 16, 2011, Mary Baker Eddy Library, accessed July 8, 2022, <https://www.marybakereddylibrary.org/research/american-christian-science-architecture-and-its-influence/>.

¹¹²“Why Is Everything Copyrighted and Trademarked in Scientology?” accessed June 23, 2023, <https://www.scientology.org/faq/scientology-in-society/why-is-everything-copyrighted-and-trademarked-in-scientology.html>.

¹¹³CTR stands for “Choose the Right,” a motto for members of the Church of Jesus Christ of Latter-Day Saints (LDS). For the LDS trademarks, see “Terms of Use,” The Church of Jesus Christ of Latter-Day Saints, April 13, 2021, accessed June 27, 2023, <https://www.churchofjesuschrist.org/legal/terms-of-use?lang=eng&country=go>.

¹¹⁴A comprehensive survey of trademark policies across American religious organizations is beyond the scope of this article; however, copyright and trademark policies can be found in the policies and terms of service pages of most major organizational websites. These policies may relate both to the overarching organizational names, as in the regulations related to the use of “Unitarian Universalist Association” without express permission, or they may relate to important subsidiary organizations like the Women’s Missionary Union (WMU) as part of the Southern Baptist Convention. See, for instance, “Copyright and Terms of Service,” Unitarian Universalist Association, accessed June 27, 2023, <https://www.uua.org/copyright-and-terms-service>; “WMU Introduces New Trademark and Tagline,” *Baptist Press*, April 25, 2012.

¹¹⁵Mira Wilkins, “The Neglected Intangible Asset: The Influence of the Trade Mark on the Rise of the Modern Corporation,” *Business History* 34, no. 1 (1992): 66–95. See also Celia Lury, “Trademark Style as a Way of Fixing Things,” in *Trademarks and Brands: An Interdisciplinary Critique*, ed. Lionel Bently, Jennifer Davis,

and Jane C. Ginsburg (New York: Cambridge University Press, 2008): 201–22.

ABSTRACT *Can religious organizations use American trademark law to assert control over the name of a religion? Further, what is the relationship between a religious organization as guarantor of fundamental spiritual truths and the signs by which it is known? To answer these questions, this article traces the history and role of trademarks in American religion with a focus on Christian Science’s faith-branding strategy. This narrative explores the religious use of trademarks as an emergent strategy in the early twentieth century to manage religious practice through brand management and trademark law. Using a combination of archival research and legal analysis, this article explores legal debates about the place of trademarks in American religion followed by a close analysis of the Church of Christ, Scientist—an American religious organization “discovered and founded” by Mary Baker Eddy in the late nineteenth century—which is exemplary in the way it strategically utilized branding and marking strategies as a means of distinguishing Christian Science within a diverse marketplace of competing turn-of-the-century spiritual practices. This article argues that religious trademarks, while controversial, can be used to secure legal authority over licensed Churches, teachings, and materials in lieu of established Church hierarchy. This article interrogates the nature and origins of religious trademark strategies to demonstrate that religious organizations like the Church of Christ, Scientist could operate as particularly savvy users of the law to establish spiritual authority via control of the religious name.*