

READ LIBERTY OF CONSCIENCE IN DEFENSE OF AMERICAS TRADITION OF RELIGIOUS EQUALITY

Zachary Wiley Cornish

Liberty Of Conscience In Defense Of Americas Tradition Of Religious Equality Introduction

Liberty of Conscience

The respect for religious difference has formed the bedrock of our nation and made equality possible. Yet today we are told that “moral values”—code for a government shaped by religious concerns—must be the keystone of our social compact. A rich and compelling chronicle of an essential idea, *Liberty of Conscience* tells the story of America's great tradition of religious freedom. Philosopher Martha Nussbaum's ambitious book is both a work of history and a pointed rejoinder to conservative efforts to break down barriers between church and state.

Liberty of Conscience

In one of the great triumphs of the colonial and Revolutionary periods, the founders of the future United States overcame religious intolerance in favor of a constitutional order dedicated to fair treatment for people's deeply held conscientious beliefs. It granted equal liberty of conscience to all and took a firm stand against religious establishment. This respect for religious difference, acclaimed scholar Martha Nussbaum writes, formed our democracy. Yet today there are signs that this legacy is misunderstood. The prominence of a particular type of Christianity in our public life suggests the unequal worth of citizens who hold different religious beliefs, or no beliefs. Other people, meanwhile, seek to curtail the influence of religion in public life in a way that is itself unbalanced and unfair. Such partisan efforts, Nussbaum argues, violate the spirit of our Constitution. *Liberty of Conscience* is a historical and conceptual study of the American tradition of religious freedom. Weaving together political history, philosophical ideas, and key constitutional cases, this is a rich chronicle of an ideal of equality that has always been central to our history but is now in serious danger.

Secularism and Freedom of Conscience

Jocelyn Maclure and Charles Taylor provide a clearly reasoned, articulate account of the two main principles of secularism—equal respect, and freedom of conscience—and argue that in our religiously diverse, politically interconnected world, secularism, properly understood, may offer the only path to religious and philosophical freedom.

The Clash Within

While America is focused on religious militancy and terrorism in the Middle East, democracy has been under siege from religious extremism in another critical part of the world. As Nussbaum reveals in this penetrating look at India today, the forces of the Hindu right pose a disturbing threat to its democratic traditions and secular state. Nussbaum's long-standing professional relationship with India makes her an excellent guide to

its recent history.

From Disgust to Humanity

A distinguished professor of law and philosophy at the University of Chicago, a prolific writer and award-winning thinker, Martha Nussbaum stands as one of our foremost authorities on law, justice, freedom, morality, and emotion. In *From Disgust to Humanity*, Nussbaum aims her considerable intellectual firepower at the bulwark of opposition to gay equality: the politics of disgust. Nussbaum argues that disgust has long been among the fundamental motivations of those who are fighting for legal discrimination against lesbian and gay citizens. When confronted with same-sex acts and relationships, she writes, they experience "a deep aversion akin to that inspired by bodily wastes, slimy insects, and spoiled food--and then cite that very reaction to justify a range of legal restrictions, from sodomy laws to bans on same-sex marriage." Leon Kass, former head of President Bush's President's Council on Bioethics, even argues that this repugnance has an inherent "wisdom," steering us away from destructive choices. Nussbaum believes that the politics of disgust must be confronted directly, for it contradicts the basic principle of the equality of all citizens under the law. "It says that the mere fact that you happen to make me want to vomit is reason enough for me to treat you as a social pariah, denying you some of your most basic entitlements as a citizen." In its place she offers a "politics of humanity," based not merely on respect, but something akin to love, an uplifting imaginative engagement with others, an active effort to see the world from their perspectives, as fellow human beings. Combining rigorous analysis of the leading constitutional cases with philosophical reflection about underlying concepts of privacy, respect, discrimination, and liberty, Nussbaum discusses issues ranging from non-discrimination and same-sex marriage to "public sex." Recent landmark decisions suggest that the views of state and federal courts are shifting toward a humanity-centered vision, and Nussbaum's powerful arguments will undoubtedly advance that cause. Incisive, rigorous, and deeply humane, *From Disgust to Humanity* is a stunning contribution to Oxford's distinguished Inalienable Rights series.

Equality, Freedom, and Religion

Is religious freedom being curtailed in pursuit of equality, and the outlawing of discrimination? Is enough effort made to accommodate those motivated by a religious conscience? All rights matter but at times the right to put religious beliefs into practice increasingly takes second place in the law of different countries to the pursuit of other social priorities. The right to freedom of belief and to manifest belief is written into all human rights charters. In the United States religious freedom is sometimes seen as 'the first freedom'. Yet increasingly in many jurisdictions in Europe and North America, religious freedom can all too easily be 'trumped' by other rights. Roger Trigg looks at the assumptions that lie behind the subordination of religious liberty to other social concerns, especially the pursuit of equality. He gives examples from different Western countries of a steady erosion of freedom of religion. The protection of freedom of worship is often seen as sufficient, and religious practices are separated from the beliefs which inspire them. So far from religion in general, and Christianity in particular, providing a foundation for our beliefs in human dignity and human rights, religion is all too often seen as threat and a source of conflict, to be controlled at all costs. The challenge is whether any freedom can be preserved for long, if the basic human right to freedom of religious belief and practice is dismissed as of little account, with no attempt to provide any reasonable accommodation. Given the central role of religion in human life, unnecessary limitations on its expression are attacks on human freedom itself.

Diversity, Conformity, and Conscience in Contemporary America

This book brings together leading thinkers to consider the ways in which conformity is demanded by American law and social practice. This conformity threatens to extinguish the natural and civil rights of American citizens, including freedom of conscience.

The Rise and Decline of American Religious Freedom

Familiar accounts of religious freedom in the United States often tell a story of visionary founders who broke from centuries-old patterns of Christendom to establish a political arrangement committed to secular and religiously neutral government. These novel commitments were supposedly embodied in the religion clauses of the First Amendment. But this story is largely a fairytale, Steven Smith says in this incisive examination of a much-mythologized subject. The American achievement was not a rejection of Christian commitments but a retrieval of classic Christian ideals of freedom of the church and of conscience. Smith maintains that the First Amendment was intended merely to preserve the political status quo in matters of religion. America's distinctive contribution was, rather, a commitment to open contestation between secularist and providentialist understandings of the nation which evolved over the nineteenth century. In the twentieth century, far from vindicating constitutional principles, as conventional wisdom suggests, the Supreme Court imposed secular neutrality, which effectively repudiated this commitment to open contestation. Instead of upholding what was distinctively American and constitutional, these decisions subverted it. The negative consequences are visible today in the incoherence of religion clause jurisprudence and the intense culture wars in American politics.

Capabilities, Gender, Equality

Provides unique reflections on the capability approach and its relevance to new human development policies and political liberalism.

The Conscience Wars

Explores the multifaceted debate on the interconnection between conscientious objections, religious liberty, and the equality of women and sexual minorities.

Justice for Hedgehogs

In Dworkin's master work, the central thesis is that all areas of value depend on one another. This is one, big thing that the hedgehog knows, in contrast to the fox, who knows many little things. Dworkin's understanding of the relationship—between ethics, morality, and political morality—is significantly revised and also greatly elaborated. He argues that “dignity” is the essential core of living well and that a satisfactory account of dignity would, in turn, point to two principles. The first states that it is objectively important that each person's life go well; and the second that each person has a special responsibility for identifying what counts as success in his or her own life. Dworkin believes that values cohere and that in order to defend that coherence he has to take up a broad variety of philosophical issues that are not normally treated in one book. He discusses the metaphysics of value, the character of truth, the nature of interpretation, the conditions of agreement and disagreement, the phenomenon of moral responsibility and the problem of free will as well as more substantive issues of ethical, moral and legal theory.

The New Religious Intolerance

The author identifies the fear behind intolerant reactions and drawing inspiration from philosophy, history, and literature, she suggests a route toward a more equitable, imaginative and free society.

A Theory of Justice

Though the revised edition of A Theory of Justice, published in 1999, is the definitive statement of Rawls's view, so much of the extensive literature on Rawls's theory refers to the first edition. This reissue makes the first edition once again available for scholars and serious students of Rawls's work.

The Distinctiveness of Religion in American Law

In light of recent Supreme Court decisions, this book defends traditional religious protections under the First Amendment.

Understanding Liberal Democracy

This volume presents influential work by Nicholas Wolterstorff at the intersection between political philosophy and religion, alongside nine new essays on the nature of liberal democracy, human rights, and political authority. These novel essays offer an attractive alternative to the public reason liberalism defended by thinkers such as John Rawls.

Defending American Religious Neutrality

Although it is often charged with hostility toward religion, First Amendment doctrine in fact treats religion as a distinctive human good. It insists, however, that this good be understood abstractly, without the state taking sides on any theological question. Here, a leading scholar of constitutional law explains the logic of this uniquely American form of neutrality—more religion-centered than liberal theorists propose, and less overtly theistic than conservatives advocate. The First Amendment's guarantee of freedom of religion is under threat. Growing numbers of critics, including a near-majority of the Supreme Court, seem ready to cast aside the ideal of American religious neutrality. Andrew Koppelman defends that ideal and explains why protecting religion from political manipulation is imperative in an America of growing religious diversity.

Understanding American religious neutrality, Koppelman shows, can explain some familiar puzzles. How can Bible reading in public schools be impermissible while legislative sessions begin with prayers, Christmas is an official holiday, and the words "under God" appear in the Pledge of Allegiance? Are faith-based social services, public financing of religious schools, or the teaching of intelligent design constitutional? Combining legal, historical, and philosophical analysis, Koppelman shows how law coherently navigates these conundrums. He explains why laws must have a secular legislative purpose, why old, but not new, ceremonial acknowledgments of religion are permitted, and why it is fair to give religion special treatment.

Religion without God

In his last book, Ronald Dworkin addresses timeless questions: What is religion and what is God's place in it? What are death and immortality? He joins a sense of cosmic mystery and beauty to the claim that value is objective, independent of mind, and immanent in the world. Belief in God is one manifestation of this view, but not the only one.

Gay Rights Vs. Religious Liberty?

Should religious people who conscientiously object to facilitating same-sex weddings, and who therefore decline to provide cakes, photography, or other services, be exempted from antidiscrimination laws? This issue has taken on an importance far beyond the tiny number who have made such claims. Gay rights advocates fear that exempting even a few religious dissenters would unleash a devastating wave of discrimination. Conservative Christians fear that the law will treat them like racists and drive them to the margins of American society. Both sides are mistaken. The answer lies, not in abstract principles, but in legislative compromise. This book clearly and empathetically engages with both sides of the debate. Koppelman explains the basis of antidiscrimination law, including the complex idea of dignitary harm. He shows why even those who do not regard religion as important or valid nonetheless have good reasons to support religious liberty, and why even those who regard religion as a value of overriding importance should nonetheless reject the extravagant power over nonbelievers that the Supreme Court has recently embraced. Koppelman also proposes a specific solution to the problem: that religious exemptions be granted only to the few businesses that are willing to announce their compunctions and bear the costs of doing so. His approach

makes room for America's enormous variety of deeply held beliefs and ways of life. It can help reduce the toxic polarization of American politics.

The Culture Of Disbelief

The author of the acclaimed *Reflections of an Affirmative Action Baby* argues that in our zeal to keep religion out of politics we force the religiously devout to act as if their faith doesn't really matter--a mistake which he feels must be corrected.

Remarks of the President to a Joint Session of the Congress

This book shows how America's ongoing battles over religion and education, immigration, polygamy, religious funding, religious exemptions, and more have made the original and evolving understanding of disestablishment of religion a source of perennial cultural and constitutional controversy. The authors of the essays in the volume stake out strong and sometimes competing positions on what "no establishment of religion" meant to the American founders and what it can and should mean for America today.

No Establishment of Religion

Martin Heidegger and Karl Marx remain two of the most influential thinkers in philosophy, in political science and other social sciences, and in the humanities. Yet there has never been a full-length study in English of the relationship between their ideas, and there has only been one study in German (from 1966). *A Productive Dialogue* fills this gap and contradicts the widely held assumption that Heidegger had no significant engagement with Marx. Hemming focuses on four related areas of inquiry—Heidegger's reading of Marx; Marx's relation to G. W. F. Hegel; Heidegger's disastrous political involvement with National Socialism; and the significance of Hegel, Marx, Heidegger, and Friedrich Nietzsche for the politics of the twentieth and twenty-first centuries. *A Productive Dialogue* explores the understanding of political processes, systems, and behavior that animates both thinkers.

Heidegger and Marx

\ "This collection of essays by David Little addresses human rights in relation to the historical settings in which its language was drafted and adopted. Featuring five original essays, Little articulates his view that fascist practices before and during World War II vivified the wrongfulness of deliberately inflicting severe pain, injury, and destruction for self-serving purposes and that the human rights corpus, developed in response, was designed to outlaw all practices of arbitrary force. He contends that while there must be an accountable human rights standard, it should guarantee latitude for the expression and practice of beliefs, consistent with outlawing arbitrary force. Little details the theoretical grounds of the relationship between religion and human rights, and concludes with essays on US policy and the restraint of force in regard to terrorism. With a foreword by John Kelsey, this book is a capstone of the work of this influential writer on religion, philosophy, and law\"--

Essays on Religion and Human Rights

This is a sweeping history of the relationship between law and religion in America from the colonial era to the present day.

Law and Religion in American History

This anthology explores the ways in which theatre and performance functions at the interstices of contemporary local and global networks. Theatre and performance occurs in time and space and exists

between the audience and performer as a communicative event. This local world of experience and human interactivity is not easily subsumed by global networks or commercial systems and remains a potent force of expression and, at times, resistance. The volume offers a range of critical viewpoints from which to evaluate the interrelationality of the local and the global, such as philosophical cosmopolitanism, post-colonialism, feminism, class, ethnicity, gender and the experience of the diasporic or exilic artist. The anthology concludes with a reflection between Janelle Reinelt and Marvin Carlson upon the ideas put forth in the book and the broader connectivities of the local and the global. Reinelt and Carlson reveal that these concepts should not be regarded in opposition but, rather, as entangled, something which is reflected in this volume as a whole. A number of international productions and performance practices are discussed from diverse geographical and cultural perspectives, illuminating the complexity of the local and the global. As Reinelt suggests: "The global-local category as a hyphenated concept has become a slogan now, a cliché even. It first arose because the local was supposed to save the global from totalisation, but in fact the global-local concept became, in reality, so complex that this opposition was not useful anymore." Carlson's and Reinelt's engagement with the essays, and with the broader issues of the global and the local, marks an important intervention into how we process experience through theatre and performance in the world today. Contributors include: Marvin Carlson, Shams Eldin, Lynette Hunter, Pirkko Koski, Yana Meerzon, Yasushi Nagata, Janelle Reinelt, Heike Roms, Nehad Selaiha, Melissa Sihra, Juha Sihvola, Joanne Tompkins, Denise Varney and Farah Yeganeh.

Democracy and Liberty

This truly interdisciplinary volume brings together respected historians, social scientists, legal scholars, and advocates. As their contributions attest, understanding religious freedom demands taking multiple perspectives. The historians guide us through the contested legacy of religious freedom, from the nation's founding and the rise of public education, to the subsequent waves of immigration that added successive layers of diversity to American society.

The Local Meets the Global in Performance

How far should religious practices be curtailed in pursuit of other social goals, such as equality and the removal of discrimination? This book reasons that religious freedom is one of our most precious freedoms, and essential to democracy, drawing on examples from across the Western world.

Religious Freedom in America

After the Revolutionary War, American sailors lost the protection of Britain's Royal Navy and were easy prey for the pirates of the North African coast, who captured ships and cargo, enslaved crew, and demanded ransom from the U.S. Motivated by these events, Royall Tyler, the first American-born playwright, poet, and novelist, wrote "The Algerine Captive." Originally published anonymously in 1797, it tells the tale of fictitious Boston native Dr. Updike Underhill, his capture by Barbary pirates, and their efforts to convert him to their Muslim faith. Written in an entertaining and satiric style that predated Mark Twain, Tyler's novel reveals his patriotic pride and anti-slavery beliefs. His comments on the religious and cultural divide between Western and Islamic beliefs of the day still resonate today.

Equality, Freedom, and Religion

Domesticated Glory critically examines the marriage between Evangelicalism and American politics. The study begins by engaging popular political pundits who wish to transform Christianity into an arm of the state. It then moves to examine some of the theological foundations proposed as support for the church's propping up of American political ideology. Finally, the study provides a more robust politics of the church by outlining how the church might act as a politics in itself. Thus, the church may gain a political voice as church in such a way as to make the world know it stands in need of redemption. This is a far cry from the

liberal attempt of the Social Gospel and many modern evangelicals to transform the world into a pseudo-church by cultural or social control. Unlike attempts to engage culture on its own terms in the political arena or to escape politics by avoiding any public testimony to the Gospel, this study lays out a way for the church to act as church in the public square, witnessing to a Gospel concerned primarily about the universe's King and His future Kingdom.

Liberty, Equality, Fraternity

Arguing that commitments by certain dissenting Protestants to the right of private judgment in matters of Biblical interpretation helped promote religious liberty and religious disestablishment in the early modern West, this text describes a continuous strand of this religious thought - as well as the thinkers who spread it.

Algerine Captive

This book examines the importance of the Enlightenment for understanding the secular outlook of contemporary Western societies. It shows the new ways of thinking about religion that emerged during the 17th and 18th centuries and have had a great impact on how we address problems related to religion in the public sphere today. Based on the assumption that political concepts are rooted in historical realities, this collection combines the perspective of political philosophy with the perspective of the history of ideas. Does secularism imply that individuals are not free to manifest their beliefs in public? Is secularization the same as rejecting faith in the absolute? Can there be a universal rational core in every religion? Does freedom of expression always go hand in hand with freedom of conscience? Is secularism an invention of the predominantly Christian West, which cannot be applied in other contexts, specifically that of Muslim cultures? Answers to these and related questions are sought not only in current theories and debates in political philosophy, but also in the writings of Immanuel Kant, Benedict Spinoza, Thomas Hobbes, Anthony Collins, Adriaan Koerbagh, Abbé Claude Yvon, Giovanni Paolo Marana, and others.

Domesticated Glory

In Politics, Taxes, and the Pulpit: Provocative First Amendment Conflicts, Nina J. Crimm and Laurence H. Winer examine the conflicts of religion, politics, and taxes that occur when houses of worship engage in electoral political speech. The authors analyze the issues involved when federal tax subsidies are granted to non-profit houses of worship. These subsidies, granted on the condition that houses of worship refrain from political campaign speech, result in multi-faceted constitutional tensions engendered among the fundamental values embodied in the First Amendment: free speech and free press, the free exercise of religion, and the avoidance of government establishment of religion. Crimm and Winer also explore the history of taxation of houses of worship, and conclude by offering several feasible legislative proposals for reform of the tax provisions.

The Religious Roots of the First Amendment

Using the metaphor of 'constitutional space', this thought-provoking book describes the confluence and convergence of powers in a constitutional system, comprised of the principled exercise of the legislative, executive and judicial powers of constitutional government. Addressing the issues surrounding the freedom of religion or belief, the book explores the dimensions of constitutional space and the content of this freedom, as well as comparative approaches to defining and protecting this freedom.

The Sources of Secularism

This book addresses the challenge of providing for the free exercise of religion without allowing religious exercise by some individuals and groups to impinge upon the conscientious convictions of others. State

neutrality toward religion is impossible, because neutrality means inattention to religion for some, but leveling the playing field through accommodations or exemptions for others. Both formal and substantive neutrality have a place in addressing particular conflicts. One such example is public funding for religiously affiliated social service programs, for which neither type of neutrality is satisfactory and thus some restrictions are justifiable; conversely, private voluntary organizations that do not receive direct public funding should be allowed wide latitude regarding their practices. This title also examines the expansive free exercise claims that are now made by those who argue that following the law impinges upon their beliefs, as exemplified by the ministerial exception and the Hobby Lobby and Masterpiece Cakeshop Supreme Court cases. It concludes by analyzing the relationship between neutrality and marriage as a civil status, which impacts a variety of commitment types and plural marriage.

Politics, Taxes, and the Pulpit

Introduction -- Membership -- Employment -- Property disputes -- The family -- Goods and services -- Conclusion

Freedom of Religion or Belief

Study of church and state in the United States is incredibly complex. Scholars working in this area have backgrounds in law, religious studies, history, theology, and politics, among other fields. Historically, they have focused on particular angles or dimensions of the church-state relationship, because the field is so vast. The results have mostly been monographs that focus only on narrow cross-sections of the field, and the few works that do aim to give larger perspectives are reference works of factual compendia, which offer little or no analysis. The Oxford Handbook of Church and State in the United States fills this gap, presenting an extensive, multidimensional overview of the field. Twenty-one essays offer a scholarly look at the intricacies and past and current debates that frame the American system of church and state, within five main areas: history, law, theology/philosophy, politics, and sociology. These essays provide factual accounts, but also address issues, problems, debates, controversies, and, where appropriate, suggest resolutions. They also offer analysis of the range of interpretations of the subject offered by various American scholars. This Handbook is an invaluable resource for the study of church-state relations in the United States.

Free Exercise of Religion in the Liberal Polity

In 1664, French Jesuit Louis Nicolas arrived in Quebec. Upon first hearing Ojibwe, Nicolas observed that he had encountered the most barbaric language in the world--but after listening to and studying approximately fifteen Algonquian languages over a ten-year period, he wrote that he had "discovered all of the secrets of the most beautiful languages in the universe." *Unscripted America* is a study of how colonists in North America struggled to understand, translate, and interpret Native American languages, and the significance of these languages for theological and cosmological issues such as the origins of Amerindian populations, their relationship to Eurasian and Biblical peoples, and the origins of language itself. Through a close analysis of previously overlooked texts, *Unscripted America* places American Indian languages within transatlantic intellectual history, while also demonstrating how American letters emerged in the 1810s through 1830s via a complex and hitherto unexplored engagement with the legacies and aesthetic possibilities of indigenous words. *Unscripted America* contends that what scholars have more traditionally understood through the Romantic ideology of the noble savage, a vessel of antiquity among dying populations, was in fact a palimpsest of still-living indigenous populations whose presence in American literature remains traceable through words. By examining the foundation of the literary nation through language, writing, and literacy, *Unscripted America* revisits common conceptions regarding "early america" and its origins to demonstrate how the understanding of America developed out of a steadfast connection to American Indians, both past and present.

Freedom of Religious Organizations

This volume of essays is a new step by the Abraham Kuyper Center for Public Theology at Princeton Theological Seminary to stimulate new work in the broad area of Reformed theology and public life. The contributions here deal largely with political themes ? some contemporary, some historical.

The Oxford Handbook of Church and State in the United States

Unscripted America

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