Religion, Liberalism, and Democracy

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Course Overview

While claims that the U.S. is engaged in a “culture war” are probably exaggerated, there is no doubt that moral conflict has created a sense of urgency on the part of many citizens. The vast majority of American citizens identify themselves as religious, and view their religion as the foundation of their morality. Many of them feel that it is appropriate, even obligatory, to translate their religious concerns into political concerns. Faith-based political activism is on the rise, not only over familiar issues like same-sex marriage and abortion, but over issues like global warming and poverty, as well. In response, both the Republican and the Democratic Parties are actively courting the “religious” vote. Does this violate our Constitution or our norms of civility?

In a pluralist, democratic regime, what is the proper role of religious conviction and discourse? This question is still controversial both in realm of legal theory and practice and in the realm of democratic political theory. Despite the fact that secular and liberal principles might seem to have the upper hand in American political life, religion remains vibrant and important in the lives of its citizens. Their convictions and beliefs shape their political views in subtle and overt ways, but there is no consensus as to whether religious beliefs may be appropriately translated into political behavior.

It is accepted that liberal democracies establish fairly distinct public and private realms. Some people claim that religion was intended by the framers to remain in the private realm and that the First Amendment prohibition against establishing an official religion actually implies the establishment of an affirmative secular public order. Critics of this position argue that the framers never intended that the "wall of separation" be absolute.
The liberal state claims to remain above the fray by taking a morally and religiously neutral stance. Should the state actually throw its weight behind specific substantive conceptions of the good? Is it a violation of civility to invoke religious arguments in the public realm? What about moral arguments? Should our elected representatives sideline their religious views for the duration of their terms in office? Is a secular public realm a restraint and imposition on religious practice, or is it rather, the condition of free religious practice?

What is the connection between liberalism and democracy? Does a democratic regime require liberal citizens? If so, does the government have a right to impose a liberal education on its citizens even if these liberal values conflict with the religious values of some citizens? Does the reproduction of the liberal democratic order obligate the government to sponsor a compulsory curriculum designed to promote liberal civic virtues?

What about the claim that one of the chief virtues of liberalism is tolerance? Is a liberal society obligated to tolerate intolerant religious groups or citizens? What should be the relationship between liberal societies and non-liberal cultures or religions in their midst? Are traditional religions a threat to liberal democracy, or its best defense?

These questions are interesting and complex. They are related to serious contemporary issues in democratic theory and Constitutional Law. This semester, we will ponder a few of these questions together.

The readings are for the most part, contained in the coursepacket.

**Course Requirements:**

Participation is a very important to the success the class, and therefore, to your grade. It includes, at a minimum, attendance (chronic absences will lower your final grade. Absences from class will be considered "chronic" when they reach three). Advance preparation requires that readings be completed before the class to which they pertain. Please also be prepared to discuss current events by looking at the New York Times or other reputable newspapers before class. It is strongly recommended that you read the Pew Forum on Religion and Public Life. It is available on line and you can subscribe to have it e mailed directly to you on a weekly basis for free.
There will be two take-home essay midterms and a take-home essay final.

**I. Introduction**

*Week 1.*

Thiemann, “Our Contemporary Dilemma”

Wolfe, Alan, “Civil Religion Revisited”

**II. Two Opposing Perspectives on Religion and Politics:**

*Week 2.*

In Alley, The Supreme Court on Church and State:

James Madison, "Memorial and Remonstrance Against Religious Assessments"

George Washington, Letter to a Hebrew Congregation

Thomas Jefferson, "Bill for Establishing Religious Freedom" and Letter to Danbury Baptists

*Week 3.*

Rawls, “The Priority of Right and Ideas of the Good”.

Sandel, “The Procedural Republic and the Unencumbered Self”

Sandel, “Freedom of Conscience or Freedom of Choice?”

*Week 4.*

Cover, “Obligation: A Jewish Jurisprudence of the Social Order”.

Moore, “Religion in the Public Square”

*Week 5.*

Macedo, “Transformative Constitutionalism”

McConnell, “Religious Participation in Public Programs.”
(recommended)

III. Public Education--the Battleground

Week 6.

Education, the vehicle whereby values are transmitted to the next generation of citizens, has been a battleground on which parental authority to educate children according to religious values has clashed with the state's authority to prepare children for the responsibilities of citizenship. Which institution, family or state, has the more compelling interest at stake?

Wysong, “Non-Government Schools: Education for Democratic Citizenship”

State of Wisconsin, Petitioner, v. Jonas Yoder, Text of the Supreme Court Decision

Arneson and Shapiro, “Democratic Autonomy and Religious Freedom”.

Macedo, “Liberal Civic Education”.

Gutman, “Undemocratic Education”

Week 7.

Burtt, “In Defense of Yoder”

IV. Competing Conceptions of Liberty
Cultural Pluralism: religious diversity is a component of cultural pluralism. Liberalism prides itself on its tolerance, respect, even celebration of diversity. Are these genuine attributes of Liberalism? Are we tolerant of non-liberal cultures in our midst? What happens when foundational principles of our society and Constitution collide? For instance, can we reconcile our commitment to free exercise of religion with our commitment to gender and racial equality?

Nomic Communities: Can a liberal polity cope with non-liberal minority cultures? Is there room in a democracy for "overlapping" authority?
Videos : The Amish
     A Life Apart: Hasidim in America
     Postville: When Cultures Collide

Week 8

Berg, “Slouching Towards Secularism”
(recommended)

Eisgruber, “Constitutional Value of Assimilation”

Lupu, “Uncovering the Village of Kiryas Joel”

Week 9 and 10

Okin, “Is Multiculturalism Bad for Women?”

Responses to Okin:

Kymlicka
Honig
Tamir
Gilman
Post
Parakh
Sassen
Bhabha
Raz
Okin

Nussbaum
Sunstein, Sexual Equality vs. Religion

V. Public Reason, Accessibility and Religious Argument: Can there be a dialogue between Faith and Reason in the political realm?

Week 11

Sullivan, "Religion and Liberal Democracy"
Levinson, "Religious Language and the Public Square"

Week 12.

Smolin, "Regulating Religious and Cultural Conflict in Post-Modern America"

Waldron, "Religious Contributions in Public Deliberation"

Cases for Exam One

*Hialeah Florida v Church of Lukumi Babalu*

*Employment Division v Smith*

*Bollenbach v Board of Education (state of New York)*