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May 11, 2011: Still Restricting What Religious People Are Allowed to Say

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Title: Still Restricting What Religious People Are Allowed to Say

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5/11/2011—People are still telling religious believers what they are allowed to say in the public square. I read in Yale Law Reports about a debate between Bruce Ackerman and Stephen Carter about what type of reasons can be legitimately referenced in public deliberation. The debate was entitled “Rational, Reasonable, and Religious?” Ackerman argued that only shared commitments, such as a commitment to liberal justice, should be considered legitimate in public deliberations. Religious identity is a distinctive personal affiliation and appeals to it should not be a part of public debate. If such non-shared commitments count as public reasons, we will be talking past each other, says Ackerman. Ackerman gets these ideas from John Rawls, who I had thought more or less retreated from them later in his career. There is a lot wrong with Ackerman’s account of public reason. For one thing, the constitutional system asserts that all reasons count. That is why the first amendment free speech clause protects religious reasons in public debate. That is also why we don’t vote on giving Ackerman the power to limit political language. Second, nonbelievers understand religious believers. They are just unconvinced. When believers say that God considers gay marriage to be sinful, the statement is not much different from my position that gay love is beautiful and healthy and therefore that gay marriage should be lawful. Opponents of my position just disagree in fundamental way. Ackerman would say that in principle I could convince my opponents that gay marriage is good. But in principle, the religious believer could convince the secularist in the same way. Neither is likely, but neither is impossible. Finally, it is remarkable that Ackerman never considers the possibility that religious claims are true. If the God of history really does consider gay marriage to be sinful and might punish America for permitting it, then even Ackerman would have to agree that obeying God is a public rather than a private issue. Ackerman does not even realize that his political position depends on the assumption that the believer’s claim about history is false. Ackerman falsely believes that his position is the value neutral one.