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August 5, 2011: The Exchange Continues at Secularconscience Blogspot

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8/5/2011—Keeping my readers abreast of the exchanges on the relationship of religious liberty to establishment of religion. As you may remember, and can see just below, Austin Dacey began this exchange in Religion Dispatches with a claim that there is nothing distinctive about religious liberty as compared to other claims of conscience. Austin refers to this approach as the equality model. (This issue is controversial in legal circles today. The University of Alabama School of Law will be holding a symposium in October concerning, in part, when law should recognize “faith as grounds for exempting someone from the reach of an otherwise valid law”?)

I responded in RD and on the secular conscience blog to the effect that one implication of this claim about liberty is that there is nothing special about endorsement of religion either. That would mean the government would be much freer to utilize religious imagery in the public square.

Naturally, Austin responded to those claims by distinguishing some religious claims from others:

Under this model, certain forms of government aid to religion would be permissible. For example, when federal dollars (along with adequate oversight and regulation) go to Catholic Charities among many recipients, and when there exist adequate secular alternatives to the services they provide, nonadherents are not necessarily marginalized or devalued as a result. The official use of "In God We Trust," by contrast, "sends a message to nonadherents that they are outsiders, not full members of the political community," to use Sandra Day O'Connor's formulation. It is this failure of equal regard, and not the religious nature of the message as such, that arguably makes it unconstitutional.

This is no less true of "In Flying Spaghetti Monster We Trust" and "In Marx We Trust."

This has now led to another response by me on the blog, which I replicate here:

I'm afraid I don't follow Austin's distinctions. An official statement such as "America is a democratic country" "sends a message" to monarchists that they are outsiders. Similarly, "America is a capitalist country" does the same to socialists. For that matter, what would be wrong with a slogan "Marx was right" by a communist country? Politics is not normless. Nor is a nation just a collection of individuals. I read The Secular Conscience as agreeing with the collective, normative nature of politics.

If there is no reason to treat religion differently in terms of liberty of conscience, and I agree with the original point that there is not, the reason must be that religious normative claims are not relevantly different from nonreligious normative claims. That is what Winnifred Sullivan means by "normative pluralism".

But then what is special about religious normative claims by government such that government is uniquely prohibited from making those normative claims? The only reason I see is one of history. I accept that history as requiring government neutrality toward religion, but I do not agree that this means religious imagery may not be used to make nonreligious normative claims. In God We Trust does express the view that reality is trustworthy. The statement that reality is trustworthy is a normative claim that the majority is entitled to make through its government. Freedom just means that the rest of us can disagree.

The full exchange can be found [here](#), along with other voices on the blog.