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January 25, 2012: Who is Ready to be Secular?

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Title: Who is Ready to be Secular?

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1/25/2012—I am now working on a series of reflections that will become a paper for the April 13, colloquium at Duquesne Law School, at which representatives from three law schools will present forms of works in progress. My contribution will be entitled *The End of Religion in Law*, and it will flow from a précis I posted here at the end of December (see below). There are three parts to the end of religion, just as Charles Taylor suggested different aspects of a secular age that he labeled secularity 1, 2 and 3, in his book, *A Secular Age*. In one sense, the end of religion refers to the decline of influence of religious ways of thinking and being—and that is the aspect I am referring to here. Who is best suited for considering law in such a secular age? Among law professors, you run into three types in terms of foundations of law: the altogether secular, who want to ground law without religious foundations, the liberal religious, who may follow a religious traditions (or at least their kids go to synagogue or church) but for whom religion is irrelevant to public life (including law) and the religious who have come to the conclusion that God is not intervening directly in the world so their accounts of law cannot refer directly to religious categories. The fourth category of religious groundings of law exists, but I don't run into it. Of these three, it is the religious effort at secularity that is the most promising. The effort is like that of the pious physicist, who wants to understand the purely natural workings of the universe because it is God's gift to us and His wish for us. (which is what most scientists in the West had traditionally been like—see Newton). This perspective ensures that science does not become reductively materialist and amoral. The same is true in law. Without the trace of religion, law becomes arid and pointless, if not evil. I believe you can have that trace without belief in God. Buddhists have it and are not always theists (sometimes they are theists despite claims to the contrary). But first secularists have to see the value in such religious traces. Then you can start to have a hallowed secularism.