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### April 4, 2013: Why Tolerate Religion?

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Title: Why Tolerate Religion?

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4/4/2013 – – There is an odd disconnect in secular thinking about the relationship of religion in the public square. The disconnect appears prominently in the upcoming symposium, *Why Tolerate Religion?*, that will be held on Saturday, April 27 in Washington DC, sponsored by the Center for Inquiry Institute. I am sorry not to be attending. Half of the program is devoted to the new and developing free exercise question of religious accommodation to generally applicable laws. This is the issue in cases involving a ministerial exception to disability laws or religious exemptions from the contraception mandate. Brian Leiter argues in his book, *Why Tolerate Religion?*, that there is no persuasive reason to treat religion any differently from any other claim of conscience. Leiter would not see his proposal as an attack on religion. It is only a challenge to religion as a preferred realm. Leiter would say it is an equality model. Leiter's premise is probably false. Since the Vietnam war draft cases, deep, more or less nonreligious, claims of conscience have generally been recognized under religious exemptions. What perhaps has changed, is that nonreligious people, unlike the draft exemption applicants, are unwilling to apply for an exemption that is denominated as religious. But whether Leiter is right or wrong, in practice his proposal is an attack on religion. For there is in Leiter's work another premise, which is that even these claims of conscience, religious or secular, should generally yield to the claims of the state. Thus, as religious believers have often predicted, the result of lessening religious liberty is to lessen liberty for all. Equality is the starting point but the ending point is dominance by the state. The disconnect is that at the same time the first part of the program challenges and interferes with private religious practice when that practice conflicts with generally applicable law, the second part of the program examines *Legal and Political Challenges to Secular Government*. The topic here presumably is the usual one of government use of religious images in the public square. What is missing is any sort of consistency in neutrality and separation. For if government is to be genuinely secular, it should have nothing to do with religion. That would mean leaving churches and religious organizations alone. They should be free to choose their own ministers without interference by the state. They should be free to offer or not offer contraception benefits to their employees. The idea of secular government only makes sense when there is a private square in which religion is free to flourish on its own terms. But I'm pretty sure that this sense of room for religion will be entirely missing from the CFI Symposium.