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### December 4, 2013: God Again, Or, Am I an Atheist?

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Title: God Again, Or, Am I an Atheist?

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12/4/2013—The law professor world is buzzing over the Hobby Lobby cases and the meaning of the Religious Freedom Restoration Act—RFRA. These conversations have an odd quality. Everybody is a kibitzer. Everybody is talking about prior cases. As if that matters at all to the Supreme Court. (Cases never have mattered to the Justices).

I'll give you my prediction. Every RFRA claim will win. Even for-profit corporations. The reason for this is that the conservative Justices warned against broad religious exemption rights in *Smith*. Congress did not listen. So, the statute will be interpreted broadly, as the broad protection it was intended to be. (This is not really true, since the statute was to restore a right that was actually pretty feeble). I can hear a majority on the Supreme Court saying, since this is a statute, Congress can amend or repeal it if we are wrong in our interpretation. Justice Scalia will love the carnage that will result from not listening to his warning.

And it will be carnage for a time. All sorts of weird religious claims for exemption will come forward, further convincing the non-religious that religion is the enemy. Repealing RFRA will become a new cultural flash-point.

In the midst of all this, I have been seriously challenged once again over my self-identification as an atheist. I don't like the term, any more than did John Dewey, but I have accepted it. Karl Barth has said a number of things that intrigue me, however, and make me hesitate over my non-belief.

For one thing, Barth says that God does not require the slightest surrender of reason and knowledge. He says that theology is an equal science that will not be pushed around by the human sciences, but what they have genuinely found, they have found and that cannot be disputed in the name of a preconception of God.

Second, we humans really don't know anything about God. All our talk, which is the Christian's obligation, is still just stammering. So, if I find Jesus to be unique but I don't understand what it means to say he is God, Barth would say he has the same problem (on a higher level, let's say).

Third, there is a connection between God and being as understood by Heidegger. And I don't have a problem with being as real and effective.

Finally, there is creativity. According to Barth, one mark of God is the realized possibility not present within human reality. If materialism were the whole story—a flat stodgy materialism—nothing new could ever happen. But new possibilities emerge all the time. This is so both in nature and in history. Jesus himself and his movement are one such new possibility. So is the connectivity of the Internet. So is the big bang. So is life. So materialism is not the whole story.

I left Judaism because for me it was no longer the truth. This had to do with a lot of things, including a certain understanding of God that seems to me an idol. A nationalist idol at that. That decision still seems right. But as for God, maybe that last word has not yet been spoken.