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October 2, 2016: Three Days at Regent Law School

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Title: Three Days at Regent Law School

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10/2/2016—I have just spent three days—days both inspiring and frustrating—at Regent Law School. I spoke at the Conference of Religiously Affiliated Law Schools and at the 25th Anniversary Symposium of the Regent Law Review. The hospitality was wonderful, for which I wish especially to thank Associate Dean Lynn Kohm and the Law Review. Dean Michael Hernandez is a very thoughtful legal educator and religious thinker. I spoke on Thursday on the Future of Democracy and yesterday on the Obergefell case. The overall impression I received was one of depression, fear and confusion. This religious community is still trying to understand the reality of same sex marriage and the darkness of American political life. I am afraid I was very little help and I would speak differently if I had it to do over again. I will continue to reflect on this blog on my experiences, but right now I can say that the secular community is going to have to come to grips with the question, why tolerate religion—the candid title of Brian Leiter's 2012 book. Until it is realized that the Christian community has something crucial to offer society, it will be unclear why religious groups and individuals should be permitted to discriminate against gay people. Of course there are constitutional and statutory protections and there is a human right to religious expression. Those are already grounds for religious exemptions. But, until those who do not share or understand the religious perspective that homosexuality is unnatural, can acknowledge a positive good in religion that was not present in racial discrimination, the tendency will be to enforce these legal protections grudgingly, as indeed the US Civil Rights Commission has just recommended. Only if the religious communities are understood as a necessary resource will a robust approach become to accommodation be seen as acceptable in the larger, increasingly secular society.