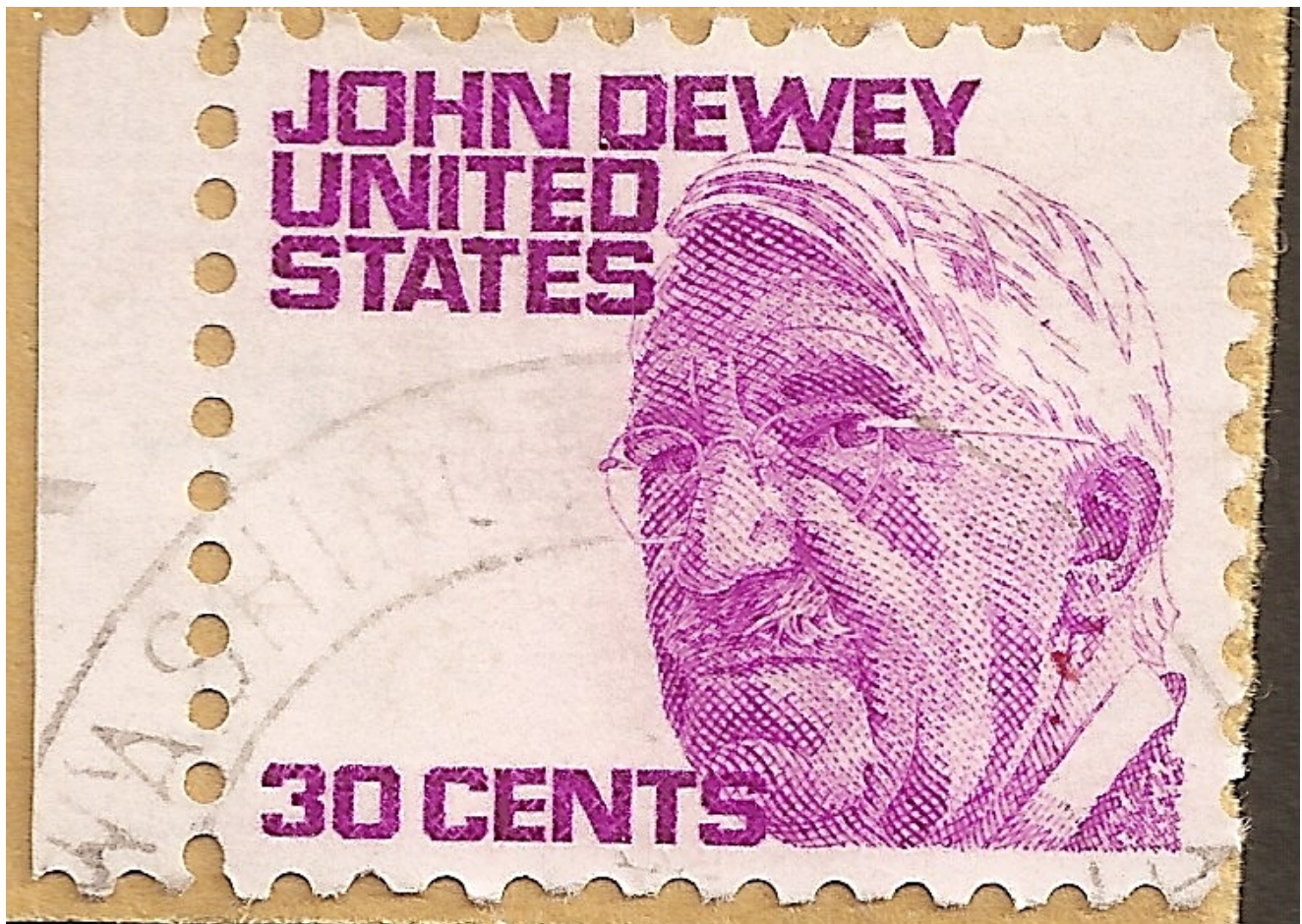


# The Long Rise of the Secular Faith

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Bruce Abramson illuminates the dangerous tendency in contemporary American politics and law to supplant respect for the diversity of religious belief with a homogenizing doctrine that punishes the expression of traditional faith and compels the practice of a secular faith. If anything, the problem runs deeper than he suggests.

Rather than a consequence of “a broad rethinking of church and state,” as Abramson puts it, the delegitimization of biblically-rooted religions that has been taking place over recent decades reflects a thoughtless enactment of the progressive vision that has been steadily gaining momentum in America for at least a century and a half. The threat to religious liberty that Abramson deftly examines, moreover, is only one front—albeit an exceptionally important one—in a more general assault on liberty in the name of an intolerant alliance of secularism and statism.

That alliance derives support from the progressivism that dominates our media, entertainment industry, universities, major metropolitan areas, and the Democratic party: a sensibility that prides itself on its devotion to equality, the pursuit of which it regards as the

foremost demand of social justice. Historically—and still today—the progressive impulse to enlist the state on behalf of the unfortunate, the afflicted, and the exploited has made a decisive contribution to aligning neglected corners of life in America with the national promise. But in a free society, the serious moral and political question is not whether equality is good, but which form or forms of equality are morally relevant and which should government protect.

America's founding documents, the Declaration of Independence and the Constitution, take a strong position: human beings are equal in relation to individual freedom, and government's principal task is to provide equal protection of citizens' equal natural and inalienable rights to life, liberty, and the pursuit of happiness.

To ensure that government sticks to its principal task, the Constitution limits its powers. It also separates and disperses them among the three branches of the federal government and between the federal government and the states. Further to protect individual freedom, the Constitution adds a Bill of Rights comprising the first ten amendments, of which the first proclaims: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The preeminence assigned to religious freedom stems from the founders' respect for Americans' competing beliefs about how best to live and the importance the people attached to living in accordance with the dictates of their faith. The Constitution's cumbersome mechanisms for legislating give institutional expression to this determination to accommodate the people's conflicting opinions about ultimate questions by obstructing the ability of shallow, temporary, and headstrong majorities to entrench their momentary will in law. And underlying the Constitution's safeguarding of diversity is its dependence on a still more fundamental unity: only a citizenry in the habit of tolerating a multiplicity of outlooks and ways of life—and in the habit of recognizing one another as equal in freedom—will be capable of honoring constitutional imperatives and effectively operating the organs of constitutional government.

Progressivism has a root in, but also departs dramatically from, this spirit of the Constitution. It proceeds from the assumption that human beings are by nature free and equal, but it demotes freedom and expands the domain of equality.

In the name of equality, progressivism also downgrades the idea of limited government. It follows the then-political-scientist Woodrow Wilson's late-19th-century critique of the original Constitution as an outdated and anti-democratic encumbrance on the pursuit of justice, and complies with his exhortation to breathe life into the nation's founding charter by reinterpreting it as endowing the state with the power to do all that in progressive eyes is good.

Progressives also abandon the idea of liberal education. Rather than transmitting the basics of the humanities and sciences, teaching the principles of freedom, and cultivating the capacity of students to think for themselves, progressivism supposes that the purpose of education is to mold students who think and act like progressives. They embrace the pedagogical creed of John Dewey, who held that “education is a regulation of the process of coming to share in the social consciousness”; that “every teacher” is properly “a social servant set apart for the maintenance of proper social order and the securing of the right social growth”; and that in instilling a democratic faith, the true teacher serves as “the prophet of the true God and the usherer in of the true kingdom of God.”

The recent controversies over contraception and same-sex marriage highlighted by Abramson carry forward the long-standing progressive project to impose equality, redefined as sameness of belief and conduct, by mandating the one true secular “kingdom.” Justice Samuel Alito’s majority opinion last year in *Burwell v. Hobby Lobby* stressed that exempting Christian owners of small companies from subsidizing forms of contraception that operate as abortifacients was permissible because the government had available alternative means for ensuring that female employees would retain access to such contraceptives. But this wasn’t good enough for progressive critics, led by dissenting Justice Ruth Bader Ginsburg. They attacked the decision because it failed to permit government to foster a single set of judgments about abortion and contraception and prescribe for all a uniform code of reproductive morality.

In the line of cases that culminated in its landmark June decision, *Obergefell v. Hodges*, which proclaims a new constitutional right to same-sex marriage, the Supreme Court has repeatedly suggested that the only conceivable ground for believing that marriage should be restricted to the union of one man and one woman is bigotry. This imperiously converts a proposal that only a few years ago was rejected by President Obama into a truth of reason. The court’s jurisprudence and the self-righteous moralizing that animate it are of a piece with the efforts by prominent private individuals to shame, and by state officials to wield the power of law to punish, devout Christian bakers and photographers who, on religious grounds, have declined to participate in same-sex marriage ceremonies.

Abramson is justified in observing of these astonishing developments—which are no less astonishing for having been latent in the founding ideas of progressivism—“that we have reached a watershed moment in American law, society, and culture: for the first time, *avoiding* participation in a given event or activity can now be construed as violating someone else’s civil (or human) rights—and can be actionable as such—even when the avoidance has been dictated by a religious conviction.”

And Abramson is quite correct that the attack on religious liberty is part and parcel of a larger campaign against free expression. What after all are the promulgation of speech codes, the demand for trigger warnings, the cultivation of sensitivity to microaggressions, and the

disdain for due process amply in evidence at our institutions of higher education if not the enforcement of progressive orthodoxy through the curtailment of individual liberty?

Accordingly, the progressive attack on religious freedom not only presents, in Abramson's words, "an opportunity for America's Jews to help America's Christians secure the Christian nature of their community as a necessary step toward securing the Jewish nature of their own." It also provides a summons to action for all those devoted to the principles of individual liberty and limited government inscribed in the Constitution to reclaim the rights shared equally by all and the forms of self-government that secure them.