

RELIGION AND CITIZENSHIP AMBIGUITY

McConnell discusses 3 proposals for resolving citizenship ambiguity:

1. *Eliminationism* (Rousseau): Eliminate citizenship ambiguity by suppressing existing religions.
2. *Separationism* (Locke): Allow religious believers to have "dual citizenship" by keeping the spheres of religion and of the state strictly separate.
 - "The hope is to domesticate religion by privatizing it" (McConnell 50).
3. *Pluralism* (Madison, Washington): Accommodate laws to every citizen so that people of all religions feel at home in the state.
 - "The pluralist model rejects the assumptions that... secularism is a 'neutral' position. Indeed, what passes for 'neutrality,' according to the pluralist thinkers, is actually a deeply embedded ideological preference for some modes of reasoning and ways of life over others—rationalism and choice over tradition and conscience" (McConnell 52).

What are the pros and cons of each view?

The First Amendment reads:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

What should the Establishment and Free Exercise clauses of the First Amendment be understood to be protecting? Does your answer to this question commit you to a stand on eliminationism, separationism, or pluralism?

BARRY ON THE DEMANDS OF JUSTICE

Barry argues that religious exemptions to laws are unjustified. Very rarely will there be cases in which both the general law and the exemption are defensible. Usually, either the law will be strong enough to rule out exemptions, or the case for exemptions will be strong enough to suggest that there should be no law in the first place.

According to Barry, justice requires equality of opportunity, not equality of impact. Unequal impact is inevitable (e.g. speed limit laws unequally impact people who like to drive fast).

Discussion questions:

1. According to Barry, refusing to admit exemptions for Sikhs from motorcycle helmet laws is not the same as having a law that said "No Sikh may ride a motorcycle." Do you agree with this claim?
2. Is Barry right that exemptions for Sikhs from helmet laws are relevantly different from exemptions from hard hat laws? What other exemptions might his approach allow?
3. Should accommodations be allowed when they come with significant costs to others (non-believers, believers of other religions)? Should accommodations be allowed when the religious practices are widely believed to be immoral (e.g. ritual slaughter, polygamy)?