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## WHEN GOD HATES: HOW LIBERAL GUILT LETS THE NEW RIGHT GET AWAY WITH MURDER

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### INTRODUCTION

During the past three decades, a hardworking coalition of conservatives, religious fundamentalists, and reactionaries has worked at rolling back some social changes that many would consider the soul of liberal progress. Until recently, higher education had tended to escape this campaign. During the past decade, though, the coalition has set its sights on the university. This could not come at a worse time, especially now that many public universities face budget cuts marking the transition from being publicly supported to “publicly assisted.” Declining public support for universities may not be a coincidence, either. It may reflect how the coalition has pushed states to rethink their social contract with universities, which have been painted by the coalition as a source of unwelcome ideas and dangerous cultural trends.<sup>1</sup>

The coalition’s grievance against the academy takes the form of a classic antidiscrimination complaint: excessively liberal faculty at universities—it is said—persecute conservatives in hiring and promotion, and, in general, by thinking less of them. The “conservative” in question often turns out to hold strongly religious views that are subjected—so the lament goes—to hostility comparable to racism, ethnic persecution, and homophobia and—an important last move—are equally worthy of mitigation as these forms of animus.<sup>2</sup> In the conservative’s tale, he has become a

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1. CHRISTOPHER NEWFIELD, *UNMAKING THE PUBLIC UNIVERSITY: THE FORTY YEAR ASSAULT ON THE MIDDLE CLASS* (2008), makes a complementary argument to my own, although the author’s focus is on class and race while my focus is on sexual orientation.

2. As some religious conservatives have noted, “There is something disquieting about characterizing fundamentalist Christians (and ‘by extension,’ most sociocultural conservatives) as unsuited to the life of the mind, unwilling or unable to think scientifically, and who remain in lower quality positions

member of a suspect class in need of remedial protection, even if it means affirmative action on behalf of views that some may find repugnant. The claim does not persuade me, but the wailing is working, as suggested by the University of Colorado's decision to dedicate nine million dollars to endow a chair in "conservative studies," the popularity of David Horowitz's *Academic Bill of Rights*, and the brouhaha about the political orientation of faculty.

By speaking of discrimination, the claim bears a surface resemblance to the antidiscrimination arguments brought by racial and other minorities, but all is not as it seems. The history of those minorities was different, as would be their future: the passage of time revealed that the majorities who had oppressed these minorities were grossly mistaken, therefore affirmative action seemed justified. The conservative lament has a different history (no history at all, in fact) and a different future. Or so you must conclude if my argument persuades you. Really, the conservative lament is an Orwellian strategy to sack liberal values by aping liberal claims in a way that really turns back the clock on liberal progress.

How did any of this pass the laugh test? Because liberals failed to reckon with the full implications of the postmodern attack on meaning. Stanley Fish made the point in a 1995 editorial in the *New York Times*: "Liberals and progressives have been slow to realize that their preferred vocabulary has been hijacked and that when they respond to once hallowed phrases [and words like 'discrimination'] they are responding to a ghost now animated by a new machine."<sup>3</sup> Left unchecked, the hijackings have only worsened in the past fifteen years. Like lambs to the slaughter, liberals have appeased the new "nattering nabobs of negativism" (Spiro Agnew's phrase for the liberals of his day) when they ought to have been more vigilant in opposing the conservative takeover. For example, the coalition bills itself as ambiguously "conservative," but this hides just how radical some of its goals are. Trying to win back some ground, I use the term "conservative" only in quotation marks to signal that its scope is up for grabs. Instead, I call this coalition of conservatives, religious fundamentalists and social reactionaries the "New Right" in order to better reflect its location on the political spectrum.

I start by arguing that the New Right "hijacked" the liberal

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because they're happier among their own kind." Thomas Bartlett, *Paper Assails Report on Liberal Bias*, CHRON. HIGHER EDUC. (Wash., D.C.), Sept. 2, 2005, at A16 (internal quotation marks omitted), available at <http://chronicle.com/weekly/v52/i02/02a01603.htm>.

3. Stanley Fish, Editorial, *How the Right Hijacked the Magic Words*, N.Y. TIMES, Aug. 13, 1995, at C15, as reprinted in STANLEY FISH, THE TROUBLE WITH PRINCIPLE 309, 312 (1999).

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register as part of a recurring political-economy cycle in which a secular trigger activates a reactionary backlash, the central goal of which becomes to eradicate the offending social conditions that gave rise to the trigger. The trigger that concerns me most is the accelerating decline of heterosexual privilege, as reflected by the growing opposition to official discrimination against sexual minorities. The expressions of backlash that I consider here deal with attempts to make “strong religion” politically correct by increasing the stature of religion, religious studies, and devotional practices in the university.

These pro-religion arguments often turn on three arguments (or, to use the postmodern convention, “moves”). First, society is under siege by a godless Left that has driven good, God-fearing folk out of academic life and into the modern equivalent of catacombs. (This is a textbook example of projective denial, because in fact the opposite is true: the New Right has rezoned our collective political imagination rightward and God-ward.) Second, under the rubric of *ideological* diversity, celebrating diversity should include religious fundamentalists and social reactionaries, especially when their ideologies stand out as different because they include religiously based animus against sexual minorities. A third move attempts to draw parallels between religious and secular society so as to make the former seem like the equal of the latter, a rhetorical move much in vogue after September 11, 2001. Together, these three claims generate arguments that put liberals on the defensive because they reach the liberal G-spot: *guilt*. To help get over this guilt, I suggest some rhetorical countermoves for contending with these moves.

To support my claim that this pro-religion backlash includes a counterreaction against sexual minorities, I argue that the conceptual liquidation of these minorities forms the common structural core of many fundamentalist religions. Religious persecution of sexual minorities is nothing new, but what is noteworthy is the growth of multisectarian alliances against gays, lesbians, and other such minorities. Cutting across the sectarian differences that have traditionally defined the borders of faith communities, these alliances pose special risks for sexual minorities because they persecute them in the name of God, one of liberalism’s “safe words” that excuses the actor from obeying core antidiscrimination norms. As proof, I show how the monotheistic Abrahamic sects, particularly their orthodox fringes, come together against sexual minorities with a unity of religious purpose that is all the more striking in light of the competition between the sects in an increasingly linked world for a larger market share of souls.

By connecting the ideological maneuvering of the New Right, strong religion, and straight supremacy, this Essay ties together three projects of great current interest. First, as a study in ideology, it shows how the “Ideology Snatchers” of the New Right co-opted the

liberal register by reframing it so as to neutralize its political valence.<sup>4</sup> Second, I point out the strength of the religious undertow is in the current battle of ideas about the professional culture of academe. Third, I show that at the heart of strong religion is a constitutive investment in normative heterosexuality as a family trait. It puts the sects on a crash course with the future. Small wonder that gay-rights advances activate the “trigger-backlash cycle” like no other social trigger (not even abortion rights, their next closest kin).

#### I. THE RELIGIOUS WAR OF MANEUVER AGAINST THE UNIVERSITY

Strong religion tries to influence secular society as part of a political-economy cycle in which a secular trigger activates a religious backlash that, once mobilized, attempts to counter the offending social conditions that created the trigger. In this case, the trigger-backlash cycle plays out in terms of a culture war between liberals and conservatives, so definitions of both ideologies are in order. After showing what creates the impetus for backlash, I identify some of the arguments used by the New Right to co-opt the liberal register. These arguments further a desecularization agenda that is mobilized in the trigger-backlash cycle.

##### A. *Strong Religion as an Engine of the New Right*

Let me start by defining *conservatism* and *liberalism*. Oxford professor of politics and ideology Michael Freeden classifies both terms as competing political ideologies with the same morphology (or form), which includes recurring ideas, competition for market share, and approaches for interpreting social arrangements.<sup>5</sup> Though they may share a common form, the substantive content of these two ideologies differs (as Freeden goes on to observe). Recognizing that different visions of “the good” exist, liberalism promotes individual choice within some minimal constraints or, as it is sometimes said, it puts conceptions of *the right* before conceptions of *the good*. Freeden avoids falling into the common trap of denying that liberalism has substance, positing a thicker view of the liberal register of commitments:

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4. See, e.g., DAMON LINKER, *THE THEOCONS: SECULAR AMERICA UNDER SEIGE* (2006); KEVIN PHILLIPS, *AMERICAN THEOCRACY: THE PERIL AND POLITICS OF RADICAL RELIGION, OIL, AND BORROWED MONEY IN THE 21ST CENTURY*, at vii–xv (2006); see also JEAN STEFANCIC & RICHARD DELGADO, *NO MERCY: HOW CONSERVATIVE THINK TANKS AND FOUNDATIONS CHANGED AMERICA’S SOCIAL AGENDA* (1996).

5. MICHAEL FREEDEN, *IDEOLOGY: A VERY SHORT INTRODUCTION* 78–79 (2003). Freeden identifies four political ideologies: liberalism, socialism, conservatism, and the totalitarian ideologies. *Id.*

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that human beings are *rational*; an insistence on *liberty* of thought and, within some limits, of action; a belief in human and social *progress*; the assumption that the *individual* is the prime social unit and a unique choice maker; the postulation of *sociability* and human benevolence as normal; an appeal to the *general interest* rather than to particular loyalties; and reservations about power unless it is constrained and made accountable.<sup>6</sup>

Each of these italicized concepts is defined not in terms of its plain meaning but in the context of a particular social history (although when the New Right uses these words they are stripped of their parentage, as noted earlier by Fish). For example, the liberal concept of “diversity” involves remedial progress to counter a history of majoritarian domination. No part of this definition excludes religion, since it could be encompassed by “liberty of thought.” However, religion enjoys no transcendent priority in this scheme; quite the contrary, the exercise of religion must conform to the enumerated values.

It is harder for Freedman to distill conservatism, but not because, as conservatives coyly claim, it is not ideological. Indeed, hiding its ideological tracks goes to the heart of conservative ideology because—as explained below—ideology would be too human.<sup>7</sup> Emphasizing its procedural rather than its substantive nature, Freedman defines conservatism as an attitude of persistent resistance to change, which involves:

an anxiety about change and the urge to distinguish between unnatural and *natural change*. . . . Another common thread is the conviction that the social order is founded on laws that are insulated from human control; it is therefore impervious to human will, a will that can only tamper with it harmfully. Over time . . . different *extra-human origins of a permanent social order* have been invoked: God, nature, history [for example, original intent in constitutional jurisprudence], biology, and economics are some of the more common anchors to which conservatives resort.<sup>8</sup>

Although conservatism is a “largely reactive” ideology, it springs into defensive action:

whenever it is challenged by a project that it regards both as humanly contrived and breaking with acceptable, organic change. [A liberal assertion of equality] is then matched by

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6. *Id.* at 81.

7. “Despite its frequent disclaimers that it isn’t an ideology, [conservatism] too is a particular view of the political world and inevitably contains a series of concepts structured in a specific relationship.” *Id.* at 87.

8. *Id.* at 88.

natural hierarchy; a developmental individuality by the sobriety of existing cultural norms; a regulatory state by a retreat into civil associations. Revolution is criminalized, utopianism [on this earth] ridiculed.<sup>9</sup>

Obviously the content of the two differs, but Freeden's point is that both liberalism and conservatism are examples of the same thing: an *ideology*.<sup>10</sup> Stipulating to this, my focus is on the culture war<sup>11</sup> over their content. Communist Party organizer and intellectual Antonio Gramsci distinguished between two phases of a culture war that correlate to distinct phases of an actual war—the war of position and the war of maneuver.<sup>12</sup> In the war of position, combatants fight to capture a physical position on a battlefield (for example, by using trench warfare to advance progressively further into enemy territory).<sup>13</sup> Once combatants secure a physical position, the war of maneuver begins.<sup>14</sup> Maneuver extends dominion beyond captured battle zones into civilian areas, eventually culminating in an occupation under which residents of the occupied territories finally give up. The combatants win the war of maneuver insofar as they bring an entire physical territory under their control.

To go from an actual war to a culture war, substitute “legal institutions” for “trenches” in the war of position. In other words, the insurgents in a culture war must first try to capture the institutions that formally control state power.<sup>15</sup> After obtaining recognition from the legislature or becoming ensconced in think-

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9. *Id.* at 89.

10. Freeden's definition helps to formalize liberalism as an ideology by focusing on formal elements rather than content:

A political ideology is a set of ideas, opinions, beliefs, and values that (1) exhibit a recurring pattern; (2) are held by significant groups; (3) compete over providing and controlling plans for public policy; (4) do so with the aim of justifying, contesting or changing the social and political arrangements and processes of a political community.

*Id.* at 32.

11. Justice Antonin Scalia uses the phrase aptly in his apoplectic dissent in one of the handful of Supreme Court cases finding any constitutional protection for sexual minorities from overweening heterosexual majorities. *See Romer v. Evans*, 517 U.S. 620, 652 (1996) (Scalia, J., dissenting) (“The Court has mistaken a *Kulturkampf* for a fit of spite. . . . I think it no business of the courts (as opposed to the political branches) to take sides in this culture war.”) (emphasis added). Patrick Buchanan popularized the culture-war metaphor when addressing the Republican National Convention in his bid for the 1992 presidency. *See* Patrick J. Buchanan, Address to the Republican National Convention (Aug. 17, 1992) (transcript available at <http://www.buchanan.org/blog/1992-republican-national-convention-speech-148>).

12. *See* A DICTIONARY OF MARXIST THOUGHT 195 (Tom Bottomore ed., 1983).

13. *Id.*

14. *Id.*

15. A good example of the war of position is the New Right's success in seeding the federal judiciary with travelers from the Federalist Society.

tanks or foundations, the insurgents begin the war of maneuver by trying to legitimate their formal control of institutions by producing ideology that complements and justifies their formal control. To borrow Freedon's words, this involves using a "counter-set of conceptual configurations, directed against whatever is seen by conservatives as most threatening to the social order."<sup>16</sup> Winning the war of maneuver means persuading one's opponents that one's influence over them is legitimate (what Gramsci called "hegemony"<sup>17</sup>).

The war of maneuver has recently played out between liberals and conservatives—this story line should be familiar to anyone who has been observing trends in U.S. political culture. As early as 1986, journalist and political commentator Sidney Blumenthal chronicled how the Right got the upper hand in *The Rise of the Counter-Establishment: From Conservative Ideology to Political Power*.<sup>18</sup> Blumenthal found the origin of the backlash against secularization in the Remnant, a pocket of resistance to the New Deal that would become the American Enterprise Institute.<sup>19</sup> As did others, he emphasized the importance to this process of the year 1968, in which the election of Richard Nixon marked the beginning of a succession of Republican presidencies that reached its apotheosis with the Reagan Administration.<sup>20</sup> Writing in and about 1968, Republican political analyst Kevin Phillips presciently drew attention to the Sunbelt conservatives who would later feed into the "Religious Right."<sup>21</sup>

To see how religionists—especially fundamentalists—have helped this movement to quicken, we need a secular model; otherwise we see the New Right only through its own eyes (which is, of course, the goal of its maneuver). My proffered model draws on Gabriel Almond, R. Scott Appleby, and Emmanuel Sivan's *Strong Religion*, a volume from the University of Chicago's research series on religious fundamentalisms.<sup>22</sup> Almond and his coauthors define

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16. FREEDEN, *supra* note 5, at 89.

17. See A DICTIONARY OF MARXIST THOUGHT, *supra* note 12, at 201–02.

18. SIDNEY BLUMENTHAL, *THE RISE OF THE COUNTER-ESTABLISHMENT: FROM CONSERVATIVE IDEOLOGY TO POLITICAL POWER* (1986).

19. *Id.* at 32.

20. *Id.* at 58–61.

21. See KEVIN P. PHILLIPS, *THE EMERGING REPUBLICAN MAJORITY* 436–43 (1969).

22. GABRIEL A. ALMOND ET AL., *STRONG RELIGION: THE RISE OF FUNDAMENTALISMS AROUND THE WORLD* (2003). This work is part of a larger undertaking funded by the American Academy of Arts and Sciences that produced several volumes published by the University of Chicago as part of the Fundamentalism Project. Edited by Martin Marty and R. Scott Appleby, these volumes were published in 1991 and include *Fundamentalisms Observed* (Vol. 1), *Fundamentalisms and Society: Reclaiming the Sciences, the Family, and Education* (Vol. 2), *Fundamentalisms and the State: Remaking Politics,*

religious-fundamentalist movements as being made up of:

cadres composed of *former religious conservatives* who . . . redefine the sacred community in terms of its disciplined opposition to nonbelievers and “lukewarm” believers . . . [with] a set of strategies for fighting back against what they perceived to be a concerted effort by secular states [and people] within them to push people of religious consciousness and conscience to the margins of society. *Male* charismatic or authoritarian leaders emerged from each religious tradition . . . . Acting strategically, these new fundamentalist leaders ransacked [their] tradition’s past, retrieving and restoring politically useful doctrines and practices and creating others in an effort to construct a religiopolitical ideology . . . .<sup>23</sup>

These fundamentalisms start out in the modern world as cultural “enclaves” separated from the temptations of secular society by a “wall of virtue.”<sup>24</sup> What keeps the enclave together is a shared “cosmology” that includes foundational assumptions about human nature.<sup>25</sup> In democratic societies like ours, fundamentalisms conform to secular law by entering into a “dialectic” with the modernist institutions to which they are opposed (or to put it another way, by “making coalitions with infidels”<sup>26</sup>). Nevertheless, this dialectic may still be fraught with cultural risk for these religious movements insofar as they must contend with liberalism’s unsettling core assumption of “human autonomy as the ultimate end.”<sup>27</sup> Almond and his coauthors point out that “[d]iversity and

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Economics, and Militance (Vol. 3), Accounting for Fundamentalisms: The Dynamic Character of Movements (Vol. 4), and Fundamentalisms Comprehended (Vol. 5).

23. *Id.* at 10 (emphasis added).

24. *Id.* at 30–37. Inside the enclave, the movement “is presented as shrunken and under siege, nay, even persecuted. . . . Anxiety as to the fate of the tradition is interlaced with praise for the virtuous who stick with it.” *Id.* at 35.

25. This cosmology is a “cognitive anchor” for the enclave:

For a type of rationality to survive in its social context it requires cognitive anchors—notions about historical space and time, physical and human nature, knowledge—in a word, a cosmology. . . . Cosmology thus sustains and fashions, in a sort of feedback loop, the culture of the enclave, its mode of behavior, authority, and organization.

*Id.* at 56.

26. *Id.* at 218. This bargaining process changes both democratic society and the fundamentalist movement: “In democratic regimes, when fundamentalist movements make their bids for power by bargaining and making coalitions with infidels, fundamentalists’ beliefs attenuate and their boundaries become relaxed and diffuse. Thus the dialectic that operates under democratic regimes is different from that of authoritarian regimes.”

*Id.*

27. *Id.* at 37. “The raw nerve of all these [modern and secular] forces—



plurality,” in particular, “are the *bête noire* of fundamentalisms.”<sup>28</sup>

When members of these religious communities feel like the culture of human autonomy has gone too far, their response to this secular provocation can be described in terms of one of the four modes classified by Almond and his coauthors as “world conqueror,” “world renouncer,” “world creator,” and “world transformer.”<sup>29</sup> The most extreme form of antagonism between the secular and the religious—the “world conqueror”—seeks abolition of the modern enemy, much as in a jihad.<sup>30</sup> At the other end of fight-or-flight, the religious group may turn away from the modern world into private religiosity—the “world renouncer.”<sup>31</sup> A more moderate strategy is for the religious group to compete with secular society by offering a charismatic alternative to the secular world—the “world creator”—in the hope of attracting adherents (although this time, without the use of force).<sup>32</sup> Alternatively, the religious group may embrace the dialectical negotiations between the religious and the secular and try to adapt both itself and secular society with an eye to long-range co-optation of secular society—the “world transformer.”<sup>33</sup>

This Essay focuses on this last strategy—transformation through strategic co-optation. An early attempt to engage this strategy on the national stage came in 1968 when Richard Nixon appealed to a “silent majority” with a wounded sense of merit and morality, a code that included believers.<sup>34</sup> Later triggers included

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implicitly in the United States and in Israel, openly in the Islamic world—resides in their being human-centered.” *Id.*

28. *Id.* at 225.

29. *Id.* at 146. See *id.* at 146–90 for an exposition of the four modes and contemporary examples of each.

30. *Id.* at 151–68.

31. *Id.* at 185–87.

32. *Id.* at 179–85.

33. *Id.* at 168–79.

34. In a remarkably accurate prediction of how Republican power would capitalize on this silent conservative majority after Nixon’s victory, Republican analyst Kevin Phillips gave a detailed regional analysis of how these conservative interests could reverse the economic reforms initiated in the New Deal and the social progress of the subsequent civil-rights movement:

The emerging Republican majority spoke clearly in 1968 for a shift away from the sociological jurisprudence, moral permissiveness, experimental residential, welfare and educational programming and massive federal spending by which the Liberal (mostly Democratic) Establishment sought to propagate liberal institutions and ideology . . . . The dominion of this impetus is inherent in the list of Republican-trending groups and potentially Republican [George] Wallace electorates of 1968: Southerners, Borderers, Germans, Scotch-Irish, Pennsylvania Dutch, Irish, Italians, Eastern Europeans and other urban Catholics, middle-class suburbanites, Sun Belt residents, Rocky Mountain and Pacific Interior populists.

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the seminal 1973 case of *Roe v. Wade*,<sup>35</sup> which activated fundamentalist Protestants and others.<sup>36</sup> Between 1996 and 1999, changing depictions of homosexuals in American entertainment and films helped to mobilize the Christian Coalition's "[anti-gay] cultural crusade."<sup>37</sup> An example of the trigger-backlash cycle from the legal academy is the Christian Legal Society's ("CLS") impact litigation against law schools that prohibit discrimination on the basis of sexual orientation.<sup>38</sup> In each case, a secular trend jars the enclave, triggering a backlash and a political program designed to bring secular society back into line with the previous (imagined) equilibrium.

Almond and his coauthors' definition of fundamentalisms also extends to forms of Roman Catholicism that make no bones about using all the means at their disposal to shore up normative heterosexuality.<sup>39</sup> And their adherents enjoy considerable influence in the official sectors of the United States<sup>40</sup>—indeed, the Catholic majority on the current Supreme Court must be seen in the context

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Because the Republicans are little dependent on the Liberal Establishment or urban Negroes . . . they have the political freedom to disregard the multitude of vested interests which have throttled national urban policy.

PHILLIPS, *supra* note 21, at 471–73. Missing from his 1969 analysis, however, was an adequate consideration of how fundamentalists would intensify the consolidation of Republican power. Phillips recently published another book addressing just this question from the point of view of the risks that these fundamentalist interests pose to secular pluralism. *See* PHILLIPS, *supra* note 4.

35. 410 U.S. 113 (1973).

36. ALMOND ET AL., *supra* note 22, at 132.

37. *Id.* at 127.

38. *See, e.g.*, *Christian Legal Soc'y v. Ariz. State Univ.*, No. CV 04-2572-PHX-NVW, 2006 U.S. Dist. LEXIS 25576, at \*42 (D. Ariz. Apr. 28, 2006) (awarding attorneys' fees to CLS for the costs of bringing an action for a declaratory judgment).

39. The Magisterium (the official Roman Catholic doctrine) asserts that homosexual identity is depraved and anomalous: "In Sacred Scripture [homosexual acts] are condemned as a *serious depravity* and even presented as the sad consequence of rejecting God. . . . [H]omosexual acts are intrinsically *disordered* and can in no case be approved of." SACRED CONGREGATION FOR THE DOCTRINE OF THE FAITH, DECLARATION ON CERTAIN QUESTIONS CONCERNING SEXUAL ETHICS § 8 (1975) (emphasis added) (restating the Magisterium's axiomatic heteronormativity).

40. The classic analysis of the Catholic fundamentalist threat to secular pluralism in the United States is set forth in PAUL BLANSHARD, *AMERICAN FREEDOM AND CATHOLIC POWER* (1949). In a chapter called "The Catholic Plan for America," Blanshard outlines a series of imaginary amendments to the U.S. Constitution that he called the "Christian Commonwealth Amendment," the "Christian Education Amendment," and the "Christian Family Amendment." *Id.* at 267–69. In a 1987 rejoinder to Blanshard's book, Lawrence Lader assessed the then-present balance between Catholic and secular power in the United States. LAWRENCE LADER, *POLITICS, POWER AND THE CHURCH: THE CATHOLIC CRISIS AND ITS CHALLENGE TO AMERICAN PLURALISM* (1987).

of the long-standing conflict between secularism and Catholic expansionism.<sup>41</sup> Because of this unique history, Catholics can serve as proxy combatants for other fundamentalists that have had less success in than Catholics in framing opposition to Catholic doctrine as “discrimination.”<sup>42</sup>

*B. How the New Right Warrants Itself*

To their credit as sophists and postmodernists, New Right intellectuals have learned how to attack liberalism by restating it to make claims that—like mutant children come back to destroy the parent—no longer bear the same family resemblance. This Essay tends to focus not on the claims (although I do respond to a couple of them) but, rather, on the *warrants* upon which these claims rest. A figure of formal rhetoric, a warrant is a principle or logical proposition that gives inert facts meaning by showing that the facts are actually evidence of a truth claim.<sup>43</sup> Whether or not stated explicitly, all claims to truth rest on warrants, be they based on experience, methods, authority, or articles of faith.<sup>44</sup> I emphasize this technical aspect of argument to show that these classical forms matter not only as semantic niceties but as instruments of political power that shape our academic culture.

Stanley Fish has pointed out that the New Right co-opted the liberal register by stripping words and values from their historical context so as to allow them to be redeployed as needed in an argument.<sup>45</sup> Challenging a warrant is the most efficient and serious

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41. See Michael J. Gerhardt, *Why the Catholic Majority on the Supreme Court May Be Unconstitutional*, 4 U. ST. THOMAS L. REV. 173, n.15 (2006) (identifying the five Catholics on the Roberts Court as Chief Justice John Roberts and Justices Alito, Thomas, Scalia and Kennedy). This same Catholic majority was responsible for the Court's recent decision in *Gonzalez v. Carhart*, 550 U.S. 124 (2007), which serves as an example of the strategic co-optation of secular society by the New Right. For two excellent sources on the conflict between secular pluralism and Catholic hegemony, see BLANSHARD, *supra* note 40, and LADER, *supra* note 40.

42. Paul Blanshard observed the dynamic in 1949 when pointing out the risks to critics of the Catholic Church:

Any critic of the policies of the Catholic hierarchy must steel himself to being called “anti-Catholic,” because it is part of the hierarchy's strategy of defense to place that brand upon all its opponents; and any critic must also reconcile himself to being called an enemy of the Catholic people, because the hierarchy constantly identifies its clerical ambitions with the supposed wishes of its people.

BLANSHARD, *supra* note 40, at 5.

43. See WAYNE C. BOOTH ET AL., *THE CRAFT OF RESEARCH* 165–78 (2d ed. 2003).

44. *Id.* at 179–81.

45. Fish explains how and why it works:

Well, first of all, by a sleight of hand. The eye is deflected away from the whole—history, culture, habitats, society—and the parts, now

way to refute arguments built from the warrant, so I take apart the following three related warrants. The first warrant is the logical proposition that some kind of ideological equipoise exists (or should exist) between liberals and conservatives, and leftists have skewed the balance. The second warrant espoused by the New Right is that *real* diversity includes affirmative support for socially reactionary views, especially the very elements once sought to be mitigated by the original diversity movement. The third warrant is that strong religion deserves as much consideration in public life as do secular values, a point that rests on a false equivalency between strong religion and secular society. As a travel advisory for the academy, this Essay makes a simple point: stay off the New Right's semantic terrain. Rebutting, disagreeing with, or qualifying arguments based on these three warrants (and there are others) only creates more traction for the warrants of the New Right. Figure out how to contest the ground of the warrant rather than any evidentiary concerns predicated on the truth of the warrant.

### 1. *Hailing an Apocryphal Left*

The New Right has rezoned the political imagination rightward and God-ward by disingenuously promoting the phrase “the Left,” when there has been little to which it could refer. (Think, for example, about how the Supreme Court Justices are arrayed on the ideological spectrum.)<sup>46</sup> Granted, there is Noam Chomsky, the National Lawyers Guild, and the magazine *The Nation*, but what the phrase “the Left” really does, rather than point to a real leftist movement, is serve as a symbolic counterweight to an all-too-real Right, one so robust that it succeeds in framing the culture war by

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freed from any stabilizing context, can be described in any way one likes. But why is the sleight of hand successful? Why don't more people see through it? Because it is performed with the vocabulary of on America's civil religion—the vocabulary of equal opportunity, color-blindness, race neutrality, and, above all, individual rights. This was also the vocabulary of civil rights activists, anti-McCarthyites, and liberals in general, many of whom are now puzzled and even defensive when they hear their own words coming out of the mouths of their traditional opponents.

FISH, *supra* note 3, at 312.

46. To illustrate what I mean, consider the way that the U.S. Supreme Court is classified according to its “conservative” and “liberal” members. The consensus seems to be that its “conservative” Justices are Antonin Scalia, Clarence Thomas, John Roberts, and Samuel Alito, that Anthony Kennedy is a moderate, and that the left-liberal flank is brought up by John Paul Stevens, Ruth Bader Ginsburg, Stephen Breyer, and David Souter. This framing understates the radicalism of the Supreme Court's right wing and overstates the strength of its liberal flank. Kennedy, Souter, and Breyer are conservatives. The only real liberals are Stevens and Ginsburg. The others can be arranged to the right—and in the case of some, the ultra-right—of conservative.

hailing an imaginary enemy. The Right needs to find an enemy of comparable size equidistant (on the left) to the Right's position in order to maintain the illusion of liberal balance. As a result, the phrase "the Left" has become a signifier without a signified; yet it is nonetheless as rhetorically charged as is "partial birth abortion" or "special rights for homosexuals."

When liberals call themselves "the Left" (indulging in a conceit that their register has real political bite), they go along with the Right's framing project, because the very use of the phrase concedes the semantic field to the Right. A well-intentioned example of such a concession is "The Liberal Moment," by Georgetown professor E.J. Dionne, in the *Chronicle of Higher Education* ("Chronicle").<sup>47</sup> As do I, Dionne wants to rebalance the spectrum so that the center returns to its old location, away from the Right. When he refers to specialized types of conservatives and social reactionaries, it is clear whom he has in mind: "Republican conservatives," "neoconservatives," and "moral conservatives"; these are separate constituencies of the New Right that come together on certain issues. But as Dionne talks about "the Left," the categories seem less credible (at least to me). In the space of a few paragraphs, he uses several different terms ("left," "liberal-left," "moderate left," "far left," "American left," "ultra-left," and "American liberals") to mimic in form the differentiation in fact of the New Right.<sup>48</sup> How nice it would be to hail movements just by naming them, but the progressive categories in Dionne's essay lack referents in fact.

## 2. *Redefining Diversity as Backlash Inclusion*

Another of the New Right's metaclaims is that diversity actually includes celebrating and promoting social reactionaries, religious conservatives, and their allies. In recent years, the *Chronicle* has published several articles popularizing the idea that the academic playing field is (unfairly) tilted against social reactionaries and conservative academics.<sup>49</sup> For example, Emory University professor

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47. E.J. Dionne, *The Liberal Moment*, CHRON. HIGHER EDUC. (Wash., D.C.), Sept. 7, 2007, at B6, available at <http://chronicle.com/weekly/v54/i02/02b00601.htm>.

48. *Id.*

49. See Reed Browning, *How to Hire Conservative Faculty Members*, CHRON. HIGHER EDUC. (Wash., D.C.), Apr. 9, 2004, at B14, available at <http://chronicle.com/weekly/v50/i31/31b01401.htm> (admitting that the lack of so-called "conservative" academics is "genuine and pressing" but objecting to David Horowitz's *Academic Bill of Rights* and, instead, urging a "program of self-reform" to promote conservatives); Evan Goldstein, *The Profs They Are A-Changin'*, CHRON. HIGHER EDUC. (Wash., D.C.), July 25, 2008, at B4, available at <http://chronicle.com/weekly/v54/i46/46b00401.htm> (reviewing comments on whether demographic changes in the professoriate will make it more conservative as baby boomers retire); Sara Hebel, *Colo. Lawmaker Asks How Colleges Ensure Academic Freedom*, CHRON. HIGHER EDUC. (Wash., D.C.), Nov.

of English Mark Bauerlein makes the general case on behalf of “conservatives” in a *Chronicle* article entitled “How Academe Shortchanges Conservative Thinking.”<sup>50</sup> He recognizes that conservatives have increased their franchise over public life ever since Richard Nixon sounded the battle cry.<sup>51</sup> Ruefully, though, Bauerlein also admits that a key habitat for intellectuals has resisted conservative reparative therapy: the research university.<sup>52</sup>

What makes Bauerlein’s claim a warrant (and a good one, at that) is that it turns plain facts showing patterns of variation in the political orientation of faculty into evidence that this variation is not only problematic but also (moving towards paranoia) reflective of a campaign that needs to be countered. Like flies drawn to a pitcher plant, liberals get mired in addressing the evidentiary part of the argument, for example, by pointing to political moderates in the

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28, 2003, at A28, *available at* <http://chronicle.com/weekly/v50/i14/14a02802.htm> (discussing the success of David Horowitz in getting the Colorado legislature to review public universities more intensively); Jennifer Jacobson, *Conservatives in a Liberal Landscape: On Left-Leaning Campuses Around the Country, Professors on the Right Feel Disenfranchised*, CHRON. HIGHER EDUC. (Wash., D.C.), Sept. 24, 2004, at A8, *available at* <http://chronicle.com/weekly/v51/i05/05a00801.htm> (discussing claims of “conservative” legal academics that they are discriminated against by liberal universities, in particular at law schools); William Pilger, *In but Not of Academe: A New Assistant Professor Finds That His Conservative Politics Mean He Will Never Quite Fit In on a Campus*, CHRON. HIGHER EDUC. (Wash., D.C.), Dec. 17, 2004, at C2, *available at* <http://chronicle.com/weekly/v51/i17/17c00201.htm> (discussing a Republican professor complaining about feeling left out of a progressive university community).

50. Mark Bauerlein, *How Academe Shortchanges Conservative Thinking*, CHRON. HIGHER EDUC. (Wash., D.C.), Dec. 15, 2006, at B6, *available at* <http://chronicle.com/weekly/v53/i17/17b00601.htm>.

51. Bauerlein points out that:

the last few decades mark a breakthrough era for conservative intellectuals. Their visibility has soared. Thirty years ago, the only place to find conservatives on television was *Firing Line*, William F. Buckley’s urbane talk show. Today they appear on *Meet the Press* and *60 Minutes*. Conservatives reign on talk radio, and the political-blog universe tends to the right, too, especially to the libertarian view.

*Id.* To his credit, Bauerlein criticizes some of the same opportunistic framing to which I also object. His basis is that the conservative canon has virtue that is going unrecognized, as much by New Right operatives giving conservatism a bad name as by liberal faculty. *Id.*

52. As Bauerlein notes:

The gains in public life are real. But it’s a mistake to take the media status of conservatives too far. For in another respect, little has changed. When we assess intellectuals, we enter a rarified habitat of books and ideas, and the prime setting for appreciating those is the college campus [research university is more like it, actually]. There, conservative intellectuals remain stymied. Their relationship to the universities in which they found their calling and to the curriculum and scholarship they studied—that remains tenuous.

*Id.*

academy or by challenging how political orientation is defined. By falling into the trap this way, liberals only encourage more research about the professoriate's political views.<sup>53</sup> Liberals also succumb by conceding that this variation is a problem or that it needs to be mitigated rather than just pointing out that this preponderance of progressive open-mindedness is no more than what one might expect to see in institutions of higher learning—the type of “natural” outcome that real conservatives should accept.<sup>54</sup>

Again, engaging the claim reinforces the warrant because argumentative resistance to it creates traction. It's better to reject the ground of the warrant. For example, Bauerlein is right to say that one function of academe is to critically examine dominant ideas.<sup>55</sup> The irony is that it is just this type of academic examination—through feminism, gender, and race studies—that has triggered the backlash against liberal hegemony, not that liberal academics throw stones at religious colleagues in the faculty lounge. Far from it—it is that liberal academics (maybe most academics) do not care about the religious views of their colleagues. If you are doing it right, the academic enterprise facilitates a healthy interest in the new, such that devotional practices—or theory based on such practices—may not be as interesting as other intellectual developments in the university. We do not subsidize blacksmiths, so it seems odd to shore up interest in practices that may be outdated. The values of the past do live on as objects of study but not as frameworks for academic action.

### 3. *Making Opportunistic Parallelisms Between Religion and Secularism*

A third type of warrant builds pretextual parallels and equivalences between religion and secular values. One version of the equivalency warrant says that the “unchurched” reject or discount religion—especially fundamentalist religion—because they do not understand it. For example, sociologist of religion Peter Berger claims that “[f]undamentalism’ is considered a strange, hard-to-understand phenomenon.”<sup>56</sup> Framed as a knowledge gap, what is needed is education to bridge the divide. So Berger wants a “middle ground” between secular consideration of religion and more “respect” for the views of the faithful.<sup>57</sup> The events of September 11,

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53. See Goldstein, *supra* note 49.

54. See Browning, *supra* note 49.

55. “American society . . . is poorly served when ideas in the public sphere don't undergo conceptual, historical, and political analysis in the classroom.” Bauerlein, *supra* note 50.

56. Peter L. Berger, *The Desecularization of the World: A Global Overview*, in *THE DESECULARIZATION OF THE WORLD: RESURGENT RELIGION AND WORLD POLITICS* 1, 2 (Peter L. Berger ed., 1999).

57. See generally *id.*

2001, have increased demand for knowledge about Islam, and non-Islamic religionists have been free-riding on the trend.<sup>58</sup>

What could be better, when speaking to academics, than calling for more education about *anything*? (Again—this is a smart move). The call has a surface resemblance to liberalism because it invokes liberty of thought and progress, but Berger is really trying to confuse an academic reading of a religious text with a devotional reading of it. The former belongs in a classroom and the latter belongs in a church. The unvarnished truth is that proponents of more religiosity in academic life seek not to educate, but instead to reproduce conservative thought as a practice (devotionally as it were). Trying to frame it as an academic problem—organized around contestability and truth-seeking—puts liberals on the defensive, such that they start to wonder if they *should* feel guilty about their reasoned disdain for devotional practices into the classroom.

A second form of the equivalency warrant is that secularism is just another values system that is no better than the religious alternatives. In this case, I am willing to disregard my own advice about speaking *at* and *against* the warrant, but not *from* it, because engaging the warrant by addressing the claim helps liberalism to own up to its own substantive values. As noted by Freedden, liberalism *is* an ideology that *does* contain substantive values like individual autonomy and choice, progress, and sociability.<sup>59</sup> And liberalism rules out certain life projects out of hand, for example, slavery. Liberals, however, sometimes stay in the closet about their values. This is too bad, as doing so avoids a contest on the field of values from which liberalism could easily emerge victorious.

In particular, some attempts to make religious systems seem equivalent to secular systems draw support from a misreading of sociology's secularization thesis. Addressing competition between the secular and the religious, the secularization thesis predicted that in industrialized countries religion would decline in importance relative to secularism.<sup>60</sup> That has not been the case. Indeed, it has

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58. For example, the Harvard faculty recently considered and rejected increasing the coverage of religion in its core curriculum. See Sean Alfano, *Harvard Proposes Curriculum Overhaul*, CBSNEWS.COM, Feb. 8, 2007, <http://www.cbsnews.com/stories/2007/02/08/national/main2446504.shtml>.

59. See FREEDDEN, *supra* note 5, at 81.

60. A sociologist of religion at the London School of Economics, David Martin, wrote the first modern synthesis of the secularization thesis. See DAVID MARTIN, *A GENERAL THEORY OF SECULARIZATION* 1–3 (1978). Martin prefaces his theory by noting that these propositions describe Christian societies in particular, because it was in Christian theocracies that secularization began:

Certain broad tendencies towards secularization in industrial society have already been fairly well established. These are of the following kind: that religious institutions are adversely affected to the extent that an area is dominated by heavy industry; that they are more



often been secularizing milestones that have triggered some of the most robust waves of countersecularization, even in industrialized countries.<sup>61</sup>

Some religionists have seized onto the survival of religion in industrialized society as proof of its worth. To counter the ground of the warrant, I must point out that the secularization thesis does not have a normative valence because it sought to explain and to predict, not to judge. Second, survival is no virtue. It is a morally neutral evolutionary fact. What is most beautiful or worthy may become extinct, not because it lacked value but because it lacked fitness.<sup>62</sup>

Many fundamentalist sects seek to expand, so the family becomes a cell of religious reproduction and expansion.<sup>63</sup> Oxford biologist Richard Dawkins sees human beings as “survival machines” used by “selfish genes” to replicate and persist.<sup>64</sup> What

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adversely affected if the area concerned is homogenously proletarian [due to the rise of labor unions]; that religious practice declines proportionately with the size of an urban concentration; that geographical and social mobility erodes stable religious communities organized on a territorial basis; that it also contributes to a relativization of perspectives through extended culture contact; that the church becomes institutionally differentiated in response to the differentiation of society, notably into pluriform denominations and sects; that the church becomes partially differentiated from other institutional spheres: such as justice, ideological legitimation, the state apparatus, social control, education, welfare; and this is paralleled by a compartmentalization of an individual's religious role which may encourage a range of variation in personal religion which contributes to institutional disintegration.

*Id.* at 2–3.

61. *See supra* notes 35–38 and accompanying text; *see also* Berger, *supra* note 56, at 9–10.

62. Richard Dawkins makes the related point that from any perspective other than the gene or the individual or the species that wins the contest for existence, survival is neither good nor bad; it is simply an adaptive trait demonstrating a gene's success in choosing a host—or series of hosts—that have made the gene's persistence possible: “The replicators that survived were the ones that built survival machines for themselves to live in.” RICHARD DAWKINS, *THE SELFISH GENE* 19 (2d ed. 1989) (emphasis omitted).

63. The best recent example of fundamentalist deployment of children this way is depicted in the film *JESUS CAMP* (A&E Indiefilms 2006), which examines a Christian Evangelical summer camp for children of parents who want to train their children to be Christian “soldiers of Christ” against secularization, particularly on the issue of reproductive autonomy. In the film, inspirational speakers preach to the children and youth (the ages range from about five to about seventeen) about the ravages of abortion using graphic images of fetuses and abortions. Many of the young people display strong emotional reactions: crying, shaking, and, with the encouragement of other participants, speaking in tongues. According to the camp's organizer, the camp is modeled on the child-rearing and indoctrination practices of fundamentalist Islam. *Id.*

64. Readers of Richard Dawkins's *The Selfish Gene* will recognize the model

survives is the gene itself in descendants of human survival machines. Similarly, fundamentalist families become “survival machines” for religious ideology. Where a gene has DNA strands that define its content and guide replication, fundamentalist religions encode content through faith. What survives by serial reproduction through chains of dynastically linked families is a religious cosmology.<sup>65</sup>

The home, then, is the primary market for religious replication, hence the strategic value of children. If you accept this, you should be open to seeing how liberal legalism gives the reproduction of fundamentalism a competitive advantage. Rejecting the liberal register, fundamentalist parents seek to turn their children into religious delegates. For the sake of formal equality, though, liberalism treats all adults (former children) the same, regardless of whether these adults were socialized into liberal values or family agency in the service of the religious worldview. The conforming fundamentalist child becomes an adult whose religious conviction has a long (foreign-to-him) pedigree, while the liberal child becomes an adult with a faith—or no faith at all—native to her. In any event, the choice will spring from *that* person and not relate back to a parental determination, which itself relates back to a determination by a prior set of parents, and so on. Liberalism, then, is a weak sister because its built-in Gresham’s law lets adherents opt out of the system and, worse still, work for a fifth column.<sup>66</sup>

## II. MULTISECTARIAN ALLIANCES BETWEEN THE ABRAHAMIC SECTS

The previous Section developed the concept of a political-economy cycle in which secular provocation activates religious backlash, leading to a war of ideological maneuver against the offending secular trigger. This Section argues that one trigger in

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of self-interested reproduction. DAWKINS, *supra* note 63, at v (“We are survival machines—robot vehicles blindly programmed to preserve the selfish molecules known as genes.”).

65. The mystery, of course, is going from the original to the production of copies. In the gene, protein production influences the timing of chemical processes related to reproduction:

But if the DNA is really a set of plans for building a body, how are the plans put into practice? How are they translated into the fabric of the body? This brings me to the second important thing DNA does. It indirectly supervises the manufacture of a different kind of molecule—protein.

*Id.* at 23. The analogy to protein in the replication of fundamentalism is the reproduction of the parent’s religious views in the mind of the child.

66. Gresham’s law provides a macroeconomic explanation for why in economies with more than one currency—a “better” one resistant to inflation and a “softer” one prone to inflation—it is the inflationary currency that will crowd out the better currency. See F.A. HAYEK, *STUDIES IN PHILOSOPHY, POLITICS AND ECONOMICS* 318 (1967).

particular—reducing discrimination against sexual minorities—catalyzes this cycle in intense ways that are on the rise. Reducing animus against sexual minorities often takes the form of so called “tolerance” for sexual diversity, including homosexuality, bisexuality, and sexual orientations other than garden-variety heterosexuality. For many believers, this tolerance becomes an existentially unbearable provocation from secular society. Once triggered, backlash follows. So, sexual minorities remain uniquely exposed when strong religion gains traction in public life, whichever sect happens to be leading the charge at the moment.

Ordinarily, the sects disagree on foundational questions, as noted by Almond and his coauthors when they say that the particularism of the sects leaves them unlikely to form “menacing international combinations.”<sup>67</sup> Indeed, the sects compete with each other for a larger market share of souls.<sup>68</sup> Despite these conflicts of interests, fundamentalist strains of Roman Catholicism, Protestantism, Judaism, and Islam join forces to act against sexual minorities.<sup>69</sup> In the United Kingdom, “[a] Muslim-Christian alliance

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67. “We note, further, the ambivalence of fundamentalisms—they want to rule the world but they are intrinsically parochial or particularistic, which reduces the probability of menacing international combinations.” ALMOND ET AL., *supra* note 22, at 242.

68. The clearest place to see this competition is in the Latin American market, in which syncretic forms of evangelical and pentacostal Protestantism have made dramatic inroads into the Catholic Church’s former monopoly, leading a prominent London School of Economics sociologist of religion to conclude that the Protestant Revolution has been imported to Latin America. DAVID MARTIN, *TONGUES OF FIRE: THE EXPLOSION OF PROTESTANTISM IN LATIN AMERICA* 280–82 (1990). And this has led the Catholic Church to compete more seriously by copying the business model of the upstart Protestants. The Catholic Church is responding tit-for-tat: “The business-like styles of promotion and organization found among evangelicals are also being adopted by the Catholic Church. Catholicism in Latin America is developing a committed active membership and entering into the religious competition with all the means of communication available to it.” *Id.* at 281.

69. The two litmus-test issues for these groups are abortion and homosexuality. Euthanasia and other issues might be equally important in terms of doctrine, but in terms of practical importance and visibility, it is abortion and homosexuality that form the territorial borders of the debate. Although they both occupy a similar location in the ideology, the conflict over homosexuality has a different structure. With means and the willingness, one can obtain an abortion, thereby mitigating prohibitions on reproductive freedom. The need to abort is episodic, being triggered only in a pregnancy, so it may be easier for some to avoid feeling the conflict or objecting to prohibitions on abortion until they find themselves in that position. In contrast, there is no way to “cover”—in the sense used by the Uniform Commercial Code (*see* U.C.C. § 2-712 (2002))—for a prohibition on homosexuality except for leaving a job, a family, or a country. Also, one’s sexual condition is more of a constant, in the sense that it lasts over time, than a pregnancy, which has a definite beginning and end. So, while it is true that abortion and homosexuality both act as ideological markers or anchors, there is something more constitutive—in the

was recently formed to oppose the repeal of [an anti-gay law, which blocked promotion] of homosexuality in [public] schools.”<sup>70</sup> A multisectarian alliance was also behind what happened in Jerusalem in 2006 when Christian, Jewish, and Muslim groups joined forces to block a gay-rights parade:

Jerusalem’s lesbian and gay community has unintentionally succeeded in doing something that has eluded the world’s greatest thinkers: Unite [many members of] the three major monotheistic religions.

Orthodox Jews, conservative Muslims, and prominent Christian leaders are united in their opposition to a gay-pride march in Jerusalem, a city that’s holy to all three religions.

The pope called for today’s march to be canceled. Muslim leaders criticized it as a disgrace. Orthodox Jews organized weeks of violent demonstrations.<sup>71</sup>

That radically different sects could come together this way suggests that—at their core—they share a deep structure of virulent and constitutive homophobia. So I part ways with the conclusion reached by Almond and his coauthors that the “parochialism” of fundamentalists will keep them from finding common ground.<sup>72</sup> Indeed, they already have much in common when it comes to family and sexual structure. Almond and his coauthors identify a cross-cultural “fundamentalist family trait”: a religious justification for sex-based differences, including an expectation that women will raise children.<sup>73</sup> I suggest another fundamentalist family trait:

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sense of formation and foundation—about religious fundamentalism’s rejection of homosexuality than there is about its rejection of abortion.

70. Anissa Hélie, *Holy Hatred*, 12 REPRODUCTIVE HEALTH MATTERS 120, 123 (2004).

71. Dion Nissenbaum, *Gay-Pride March Canceled*, SEATTLE TIMES, Nov. 10, 2006, at A10; see also Dion Nissenbaum, *Gay Pride Parade Is Now a Rally*, MIAMI HERALD, Nov. 10, 2006, at 20A. Security concerns about the march led to its cancellation, pleasing some straight supremacists who would have preferred a more complete form of conceptual liquidation. As one Israeli deputy prime minister in the governing coalition noted: “If it was up to me, I would send the gay community, who insisted on celebrating in Jerusalem, to Sodom and Gomorrah.” Greg Myre, *Under Heavy Police Guard, Gay Rights Advocates Rally in Jerusalem*, N.Y. TIMES, Nov. 11, 2006, at A23 (quoting Deputy Prime Minister Eli Yishai of the Shas party).

72. “Furthermore, there is an inherently parochial aspect of fundamentalism, which limits its appeal even across religious lines, to say nothing of the resistance found among members of an informed and largely secularized society.” ALMOND ET AL., *supra* note 22, at 218.

73. *Id.* at 11 (internal quotation marks omitted). Feminists in these cultures would no doubt frame this observation differently:

Strikingly, women in these disparate settings, the anthropologists and

heterosexuality offspring preference. As I have written elsewhere, when imagining future children, many (perhaps most) heterosexual parents would seem to prefer a heterosexual child over any alternative.<sup>74</sup> It is my contention in this Essay that fundamentalists are even more likely than others to prefer heterosexuality in offspring because this is the only orientation that will conform to the worldview of the parents.<sup>75</sup> Given the centrality of this preference to fundamentalist families, they are correct to see a radical threat to their social status from the antidiscrimination initiatives that protect sexual minorities since these initiatives necessarily denounce homophobia, even when justified in the name of God.<sup>76</sup> For the time being, liberalism's deference to parental rights lets parents attempt to enforce heterosexuality on their children. More heterosexuals, though, are beginning to come to terms with their condition, so, in time, parental coercion of orientation may become stigmatized, a new trigger that will restart the backlash cycle.

The metaphor of fundamentalist enclaves taking refuge behind a "wall of virtue" does not mean that the political power of these sects is self-contained. The contrary becomes evident when we appreciate the international reach of these multisectarian alliances. Alliances between the Vatican and Islamic states, in particular, have had great success in furthering the conceptual liquidation of sexual minorities. Consider the report of Asma Jahagir, Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, which stated that "[official] security forces should not carry out

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sociologists reported, shared a dedication to the maintenance and valorization of patriarchal social structures. They spoke of "feminism," or "women's liberation," but challenged and recast the secular/Western understanding and practice, rooting their approach to gender relations in Scriptural and traditional sources that commanded subordination to male leadership but also sacralized unambiguous spheres of female authority. Most saw the education and moral formation [I would add "heterosexualization"] of children as the most important task of the family and the mother as the central figure in a counter-acculturative educational network that extended beyond the home but never contravened its basic precepts.

*Id.* at 11–12.

74. José Gabilondo, *Irrational Exuberance About Babies: The Taste for Heterosexuality and Its Conspicuous Reproduction*, 28 B.C. THIRD WORLD L.J. 1, 3–4 (2008).

75. See *supra* notes 71–74 and accompanying text.

76. Consider this admission against interest by a CLS official that anti-gay animus may come to be viewed as seriously as racism is: "'Think how marginalized racists are,' said [Christian activist Gregory] Baylor, who directs the Christian Legal Society's Center for Law and Religious Freedom. 'If we don't address this now, it will only get worse.'" Stephanie Simon, *Christians Sue for Right Not to Tolerate Policies: Many Codes Intended to Protect Gays from Harassment Are Illegal, Conservatives Argue*, L.A. TIMES, Apr. 10, 2006, at A6.

summary executions, drownings, and killings against persons because of their sexual orientation, and the governments should be held accountable.”<sup>77</sup> This finding met with opposition, particularly from the representatives of Egypt and Iran.<sup>78</sup> These countries and others suggested that Jahagir had exceeded her mandate by even considering the execution of sexual minorities—a practice which Iran did not deny existed—within her study.<sup>79</sup>

Many of these alliances revolve around the Catholic Church because, as the most institutionally developed of the sects, it has a formal mechanism to promote multisectarian exchange, the Pontifical Council of Interreligious Dialogue.<sup>80</sup> A recent example of such an alliance was that between the Vatican and Islamic states at the U.N.’s 1994 Cairo Conference on Population, which succeeded in curbing reproductive autonomy, stemming recognition of the rights of sexual-minority youth, and making sure that the U.N. mandate was not extended to include the interests of sexual minorities generally.<sup>81</sup> More recently, the Vatican joined forces with Islamic

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77. Press Release, Fifty-Seventh General Assembly, Special Rapporteurs on Religion, Extrajudicial Killings, Torture Urge Third Committee Delegates to Build Culture of Democracy: Need to Forge Dialogue Also Stressed to Eradicate Intolerance, Impunity, U.N. Doc. GA/SHC/3714 (May 11, 2002).

78. Correctly, the representatives of these religious interests attack efforts to reduce discrimination against sexual minorities by challenging the concepts that are the building blocks of tolerance in this field:

When the floor was opened for dialogue . . .

. . . .

[m]uch of the dialogue centered on the difference of views that emerged during the presentation of Ms. Jahagir’s report. Several delegations said the report had been very hard to accept, since the information presented went far beyond Ms. Jahagir’s mandate. . . . They were also concerned that the report highlighted two concepts—“sexual minorities” and “sex orientation”—which they felt had not been elaborated or explained by any intergovernmental body.

*Id.*

79. *Id.*

80. Headed by Cardinal Jean-Louis Tauran, the Pontifical Council has been the hub of the Vatican’s efforts in these areas. See Cardinal Jean-Louis Tauran, *Interreligious Dialogue—a Risk or an Opportunity?* (May 27, 2008) (transcript available at <http://rcdhn.org.uk/interfaith/word/card1.pdf>).

81. As Hélie observes:

Not just a local or national phenomenon, fundamentalism has taken on a global dimension. Extremist religious leaders from various faiths are coming together to oppose sexual rights. By “closing ranks,” coalitions of Christians, Muslims, and other fundamentalists affect the international agenda. . . . Such alliances also blocked the recognition of the rights of lesbians at both the 1995 World Conference on Women held in Beijing and the review of the Beijing Platform for Action in June 2000.

Hélie, *supra* note 70, at 123. See generally STANLEY JOHNSON, *THE POLITICS OF POPULATION: CAIRO 1994*, at 72–87, 106–07, 113–14 (1995) (tracing the reproductivist objections of the Vatican and Islamic countries).

states to block a proposal to extend limited domestic-partnership benefits to U.N. staff, although it would only have provided benefits parity to civil servants from the nine U.N. member countries that extend those benefits to their domestic civil servants.<sup>82</sup>

These types of alliances are promoted on many fronts. The prominent Catholic theoconservative journal *First Things* published a statement of affinity between prominent Evangelicals and Catholics in 1994.<sup>83</sup> Affirming a shared Christian zeal across denominational differences, the document identifies areas of common concern.<sup>84</sup> In a section captioned “We Contend Together,” the document lays out the specific areas of convergence: advocacy against abortion and euthanasia, support of heterosexual parental rights, and “mutual respect between the sexes.”<sup>85</sup> Instead of referring to sexual minorities by name, the document uses the language of the Magisterium to identify homosexuals and other sexual minorities: “We reject the claim that, in any or all of these areas, “tolerance” requires the promotion of moral equivalence between the normative and the deviant.”<sup>86</sup> The Catholic-Muslim alliance was formalized in response to the perception that Pope Benedict had made untoward remarks about Islam. The first volley was an open letter signed by 138 prominent Muslim clerics—*A Common Word Between Us and You*—pitching cooperation between Muslims and Christians on several grounds, including a shared interest in peace.<sup>87</sup>

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82. Julian Coman, *Vatican Joins Muslims to Fight Homosexual Partnerships Islamic Delegates Have Been Outraged by UN Plans to Give Gay Couples Equal Treatment on Pensions and Travel Expenses*, SUNDAY TELEGRAPH (London), Mar. 21, 2004, at 31. On behalf of the fifty-six-member Organization of the Islamic Conference, the Iranian U.N. delegate promised to challenge any benefits parity in the World Court. *Id.*

83. *Evangelicals and Catholics Together: The Christian Mission in the Third Millennium*, 43 FIRST THINGS: MONTHLY J. RELIGION & PUB. LIFE 15–22 (1994). Signers included Harvard Law School professor and Vatican counsel Mary Ann Glendon and then Regent University president Pat Robertson. *Id.* at 22.

84. The document emphasizes convergence between the denominations: “We thank God for the discovery of one another in contending for a common cause. . . . Our cooperation as citizens [in secular society] is animated by our convergence as Christians.” *Id.* at 18.

85. *Id.* at 18–19.

86. *Id.* at 19.

87. Of course, it is a compelling interest: “Christians and Muslims reportedly make up over a third and over a fifth of humanity respectively. . . . making the relationship between these two religious communities the most important factor in contributing to meaningful peace around the world.” An Open Letter and Call from Muslim Religious Leaders to: His Holiness Pope Benedict XVI et al. 15 (Oct. 13, 2007), available at [http://www.timesonline.co.uk/multimedia/archive/00218/Open\\_letter\\_from\\_M\\_218459a.pdf](http://www.timesonline.co.uk/multimedia/archive/00218/Open_letter_from_M_218459a.pdf).

## CONCLUSION

Violent hatred in the name of God is probably the worst thing that can happen when strong religion is set loose in the public square, but there is a slippery slope towards this calamity. For most of us, it starts as part of a battle of ideas between traditional liberal restraints on the role of strong religion and stealth campaigns to insinuate religious values and practices into secular life. What is a good liberal to do?

First, recover the moral high ground by owning up to the superiority of liberal values as *substantive* values that can and should compete with those who try to pass themselves off as “values coalitions.” Second, learn to spot opportunistic parodies of liberal values. Not all calls for diversity and pluralism are the real thing. This requires skills in rhetoric, the right (rather than the Right’s) model of how strong religion works, and the guts needed to break from the herd. Third, reframe the parodies of liberal values—assertively and with humor—rather than entering into the thicket of contestable claims generated by the New Right’s warrants. Finally, if you are a liberal and a leader but you lack the intestinal fortitude to use your position to stand up for the rights of sexual minorities, consider stepping aside in favor of someone who will.