

## **Rethinking the Secular in Feminist Marriage Debates**

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*ABSTRACT* *The religious right often aligns its patriarchal opposition to same-sex marriage with the defence of religious freedom. In this article, I identify resources for confronting such prejudicial religiosity by surveying two predominant feminist approaches to same-sex marriage that are often assumed to be at odds: discourse ethics and queer critical theory. This comparative analysis opens to view commitments that may not be fully recognizable from within either feminist framework: commitments to ideals of selfhood, to specific conceptions of justice, and to particular definitions of secularism. I conclude by examining the “postsecular” turn in feminism, suggesting that we can see the same-sex marriage debate not in terms of an impasse between differing feminist approaches, but in terms of shared existential and ethical affinities.*

### **Introduction**

Several years ago, good friends of mine, two gay men in San Francisco, invited their friends and family to participate in a beautifully organized two-day wedding. One of them, reflecting on the significance of the event, explained that he was interested in discovering who—and who would not—accept this invitation and, by attending the wedding, acknowledge his marriage as real and meaningful. Deciding to marry and, perhaps more importantly, holding a public ceremony in the presence of community reflects core values that both men uphold: building a family, owning a home, demonstrating intrinsic connections between their way of life and their identities as gay men. The wedding itself, then, was not simply about the sharing of vows, but rather about securing recognition, by the people who matter most, of their relationship and life together. This recognition was achieved literally in the form of a large marriage certificate, signed by every guest; everyone who attended the wedding was in this way bearing witness.

According to these friends of mine, to advocate same-sex marriage, whether as a bride, groom, or guest, is to stand up for specific ideals of social justice. These ideals include the equality of all citizens under the law, such that marriage is an inclusive institution, available to heterosexual and to gay and lesbian couples. Efforts to legalize same-sex marriage stem from more than simply an abstract commitment to equality. Legalization reflects the achievement of the public recognition of non-

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heterosexual commitments. Such recognition is coveted by gay and lesbians like my friends in San Francisco because it seems to verify and validate the essentially normal goodness of same-sex intimacy.

The belief that same-sex marriage embodies ideals of equality and inclusivity animated the short-lived celebrations in San Francisco of same-sex marriage in 2004, made legal by Mayor Gavin Newsom and later annulled by the Supreme Court of California. As it happens, my friends got married in 2007, and so their wedding ceremony did not yield a legally bound marriage contract, since it did not occur in the brief months of 2008 in which same-sex marriage was actually legal in the state of California. Whereas the state continues to uphold as legal the unions of those couples who did marry in California between June 16, 2008 and November 5, 2008, the federal government in the United States does not recognize any same-sex marriage as legal.

As a Canadian woman living in the United States, I am somewhat less persuaded that same-sex marriage should be an overarching ideal for social justice efforts, even though, since my partner is a woman and so cannot become my legal spouse, we are restricted from partaking of the significant privileges enjoyed by married people. For example, although I have permanent residency in the United States, my partner, who is Finnish, cannot appeal to our relationship as grounds for access to residency herself. In contrast, since same-sex marriage has been legal at the federal level in Canada since 2005, I would be able to sponsor her for residency in Canada on the basis of our relationship.

Of course, I am delighted that this possibility exists and would not refute the essential rightness of the constitutional arguments that led to the legalization of same-sex marriage in Canada. However, as people who cross borders on a regular basis, my partner and I are not convinced that same-sex marriage actually does secure equality and civil inclusivity for every individual, especially given the contingencies of citizenship itself. If we attend to the fact that the laws and conventions that govern citizenship are historical and cultural and result inevitably in the exclusions of some from core rights and privileges enjoyed by others, then such exclusions become troubling because they reinforce highly problematic disparities between what is considered “normal” (good citizens with property and class-mobility) and what is marginalized. Moreover, even though we ourselves would benefit pragmatically from the immigration rights that emerge from legally recognized marital unions, the version of “family” that is affirmed by such rights is also essentially contingent. Many people and countless domestic situations are excluded from such benefits: for example, single individuals, individuals who may be committed to each other but are not lovers, people with polyamorous relationships.

In my reflections here, I do not intend to undermine my friends’ approach to same-sex marriage. In fact, I want to articulate their framework—as well as my own—in light of two prevailing feminist methods of striving for social justice: liberal discourse ethics and queer critical theory. It can be valuable to examine debates about social justice, like the debate within feminist philosophy between proponents of discourse ethics and queer critical theory, because a comparative analysis of these different approaches can make explicit the *commitments* that underlie each framework.

On the one hand, discourse ethics argues that the ideals of reciprocity, respect, and reflexivity should govern public debate and policy change, and for this community of thinkers, social justice manifests as a drive towards equality and enfranchisement. Along these lines, my friends in San Francisco celebrate same-sex marriage and work for its legalization because it represents real progress towards equality under the law. In contrast, the queer critics of these ideals argue against the goal of equality, associating it with a stifling homogeneity that promotes highly specific versions of morality and normalcy at the expense of other ways of living. I hesitate at the idea of a large wedding ceremony in which my partner and I exchange vows in part because of the normalizing, often consumer-based, prescriptions that seem inherent in such rituals. I find it difficult to imagine a wedding that does not in some way depend upon ideologies of consumption and conformity to heterosexual notions of nuclear family; this difficulty in turn raises questions about the nature of marriage itself, given its institutional history of racist and patriarchal practices.

Within these two lines of thought, we find different models for where we should ultimately place our hope for social justice and are left with two seemingly incommensurate questions.<sup>2</sup> Should we look to ideals like autonomy and equality to guide our theory and activism? Or should we be attuned to the exclusions that result from what may be misguided attempts to secure equal recognition under the law?

This debate currently animates feminist discussions about the legalization of same-sex marriage. Whereas discourse ethics emphasizes the inclusive ideals of social institutions, the queer critique examines the exclusionary effects of an institution such as marriage. Differing positions on the significance of the genealogy of marriage, on the relations between law and intimacy, and on the public benefits and harms resulting from various marriage policies emerge from these two camps.<sup>3</sup> Nevertheless, while proponents of each approach may disagree about the relationship of individuals to the public sphere, they share important underlying feminist commitments to identify and undermine patriarchal forms of prejudice. In the ongoing debates over same-sex marriage, such prejudice is found most visibly within the Christian Right in the United States.<sup>4</sup>

The Christian Right's opposition to same-sex marriage, which is at odds with both feminist arguments, depends upon maintaining a firm religious/secular divide, and this divide, a divide which is generally unquestioned by all parties involved in debating same-sex marriage, is the subject of my analysis in this article. In its battle against same-sex marriage, the Christian Right combats what its leaders call the "perilous ascendancy of American secularism" (Castelli, 2007, p. 156). Such arguments mobilize explicit language of religious persecution, with evangelicals positioned as martyrs in an ongoing "war on Christians." Within this conservative logic, "efforts by gay people to seek redress in the courts become acts of religious intolerance and persecution" (2007, p. 160) because this activity is identified not as the democratic work of citizens but as a secularizing assault against highly specific theological and cultural commitments. The legalization of same-sex marriage is thus cast as an attack on Christianity itself.

Although most of the virulent opposition to same-sex marriage employs religious rhetoric, it is far from apolitical. These arguments are, according to Elizabeth Castelli's (2007) analysis, unabashedly political, framing issues like the opposition to same-sex marriage in terms of religious freedom, "arguing that Christians are the victims of bigotry, second-class status, and court-sanctioned injury" (p. 159). The

Christian Right thus appropriates language of equality and reciprocity, mobilizing the resonances of terms associated with the liberal left even as it attempts to combat leftist political platforms that place gay and lesbian unions on equal footing with the “traditional” and “religiously sanctioned” family unit. It endorses deeply discriminatory views of gender and sexuality, prejudices that Kathleen Sands (2008) has recently diagnosed as a “revitalized patriarchy” (p. 318). Its anti-feminist opposition to same-sex marriage depends upon explicitly religious rhetoric for its condemnation of deviations from a heterosexual “creational” ideal of marriage.<sup>5</sup>

The political and cultural impact of a growing alliance between the Christian Right and pro-market capitalists has been considerable, especially in the United States.<sup>6</sup> Given this powerful Christian-capitalist alliance, there is a clear need for productive, explicitly feminist work that subverts the influence of such patriarchal bellicosity. Rather than adjudicating between the two feminist modes of reasoning about same-sex marriage described above, in what follows, I outline their contrasting positions in order to identify valuable resources within each approach for confronting the revitalized patriarchy of the Christian Right. I go on to assess how the feminist debates over same-sex marriage risk reinforcing a religious/secular divide, and I question the consequences of this divide.

I argue that reflecting on the religious/secular divide is useful for several reasons. First, it opens to view commitments that may not be fully recognizable from within either feminist framework, commitments to ideals of selfhood and to specific conceptions of justice. I will outline, for example, how discourse ethics’ approach to secularism tends to invoke freedom as a matter of choice, asserted without coercion by individuals; in contrast, the queer approach to secularism appeals to a form of freedom in which selfhood is understood to be a matter of becoming, along particular lines. Second, when the religious/secular divide remains under-theorized, it risks granting deference to the category of religion itself, unintentionally ceding ground to anti-feminist patriarchalisms. Third, by reflecting on an alternative genealogy of secularism, we can access valuable ethical and existential resources, resources that offer pragmatic means by which to advance feminist projects of social justice; these resources correspond to what I will identify as a “postsecular turn” in contemporary feminist thought.

### **Normative Ideals and Normalizing Critique**

Both feminist discourse ethics and queer critical theory are united in their critique of conservative patriarchalisms and offer tools to identify and overturn social injustice. Their methodologies differ considerably, however, and at the heart of this difference is this question: do we want to achieve normalcy, or do we want to subvert normalcy?

Whereas discourse ethics looks to normative ideals as both guided by and guiding healthy democratic practice, the queer critique characterizes such ideals as exclusive, normalizing prescriptions. Pragmatically, this debate means questioning the degree to which state intervention should secure equal rights based on formal recognition and substantive access to privileges. Should we, for example, strive for full civic inclusion in our communities by securing the legality of same-sex marriage? Or

should we rather focus our attention on ways in which marriage laws deepen long-standing prejudices about who does and does not belong in our communities?

Feminist theorists who employ the liberal project of discourse ethics look to a procedural conception of justice and uphold a conception of rationality that is essentially emancipatory. According to this approach, as well-socialized and educated citizens, we are able to engage in public debates that are inclusive and critical rather than in segregated debates that merely reinforce difference. In other words, through the very workings of public debate, we can hope to secure equality, reciprocity, and respect for all participants, despite differing cultural or religious backgrounds.<sup>7</sup>

In the terms of discourse ethics, we can undermine discriminatory norms like heterosexism on two significant grounds. First, the sincerity required for discourse ethics depends upon an “exacting kind of impartiality” in which each participant actively puts herself into the situation of everyone else, taking the other’s understanding as seriously as her own (Habermas, 1999/2003, p. 270; Keller, 2008, p. 176). As citizens, we are each called to reflect on the values of our own particular communities and cultivate the capacity for acknowledging—as opposed to ignoring or repudiating—the stranger. The existence of a stranger challenges us to confront any prejudicial assumptions that might exclude this other individual.<sup>8</sup> Since, according to discourse ethics, justice extends in principle to all individuals universally, we are prohibited from appealing to those particular norms that govern our own specific cultural or religious communities. Rather, we must search for norms that are inclusive of the stranger and the neighbour, and the democratic ideals that govern this process will secure our hope for social justice. We can therefore condemn prejudicial exclusions—including arguments against same-sex marriage—both as falsely universalizing and as wrongly imperial about the goodness of one community’s norms over another.

In order to advocate for same-sex marriage employing the framework of discourse ethics, the case can be made that its legalization furthers the broader project of creating a legitimate democracy. According to discourse ethics, a shared world is not a given but a mandate that has to be achieved collaboratively: we actually achieve a moral and just society together through an inclusive “we-perspective” brought about by participants. Take, for example, the advisory opinion to Canada’s Parliament that the legalization of same-sex marriage through the 2005 Civil Marriage Act would have legal validity: in this opinion, the Canadian Supreme Court explained, “Our Constitution is a living tree which, by way of progressive interpretation, accommodates and addresses the realities of modern life” (as cited in Hogg, 2006, p. 717).<sup>9</sup>

This statement exemplifies the expectation upheld by discourse ethics that our democracies are, in Jürgen Habermas’s terms, “truth-sensitive” (2006, p. 18) and self-correcting. It is important to note that public debate can help legitimate democracy only through the specific institutions and procedures of each democratic system. In other words, the debates over same-sex marriage in Canada and in the United States differ in part because of real procedural differences between the two countries. When the Hawaii State Supreme Court ruled in favour of same-sex marriage in *Baehr v. Lewin* in 1993, this decision gave rise to sweeping counter-mobilizations across the US in “defense” of the sanctity of heterosexual family: the introduction of the Defense of Marriage Act in 1996, the passing of many mini-

DOMAs by state referendums and ballot initiatives, and George W. Bush's declaration of a special "Marriage Protection Week" in 2003.<sup>10</sup>

In contrast, same-sex marriage was legalized at the federal level in Canada in 2005. In her analysis of this contrast, Miriam Smith (2005) points out that the same-sex marriage debates within the United States reflect the very recent legal linkage between variant forms of sexuality and criminality (p. 226). It was only a few short years ago in 2003 that the U.S. Supreme Court overturned the criminalization of sodomy as unconstitutional in *Lawrence v. Texas*.<sup>11</sup> In Canada, sodomy was decriminalized in 1969. Because of this difference in the two nations' historical timelines, Smith explains, opponents of same-sex marriage in the United States tend to define non-normative sexualities as illegitimate on religious and moral terms, whereas in Canada communities have had many decades to recover from the legacy of the rhetoric of criminality.

In Canada, then, the debate over the legalization of same-sex marriage can more naturally be treated as a question of human rights; opponents of same-sex marriage therefore lack easy recourse to the moralizing rhetoric south of the border. By citing this example, I do not mean to endorse a progressivist narrative in which equality results, somewhat inevitably, through historical developments; rather, I want to emphasize the specificities of not just the terrain of the debate itself but the institutional procedures for pursuing policy change.

The second way in which discourse ethics enables us to undermine discriminatory norms like heterosexism concerns its distinction between two forms of rationality: "strategic" rationality, which is oriented towards profit, power, and efficiency, and "communicative" rationality, which is oriented towards truth, moral rightness, and democratic legitimacy. According to discourse ethics, strategic rationality threatens our capacity to achieve social justice when it colonizes social realms that are crucial for the socialization and coordination of citizens—realms that should be characterized by the contrasting form of reason, communicative rationality.<sup>12</sup>

To participate in public debate is in principle to commit to combating the invasion of commercial interests into democratic spheres of education and media; we need access to good information as well as the freedom to make our own voices heard. Emphasizing the priority of communicative reason over strategic reason is to affirm the fundamental equality of citizens because it is truth and moral rightness, not financial gain or power, to which public debate is oriented. We see this prioritizing of communicative reason in the marriage debates where many feminist liberals advocate for changes to marriage law because of the necessity of redistributing access to state-administered benefits, whether through a more egalitarian version of legalized marriage or through the dissolution of marriage altogether because of its inherent economic privileging of some relationships over others.<sup>13</sup>

Conversely, we find examples of the invasion of strategic reason into the realms of communicative reason in the Christian Right's opposition to same-sex marriage when it employs the profit imperatives of the market rather than the valid claims of a democratic community. In the "evangelical" community in North America, prejudicial norms are promulgated through the contemporary commercial Christian music industry, through very profitable magazines that advise girls and boys on appropriate lifestyle choices, and through an increasing number of television shows and films that pander to the Christian consumer base. We can employ discourse

ethics to call into question this encroachment of strategic interests into the realm of public debate.<sup>14</sup>

Strategic reason is also at work in the expansion of the gay marketplace. In her recent analysis of gay tourism, for example, Nan Alamilla Boyd (2008) identifies the neo-liberal imperatives of profit and efficiency that underlie gay and lesbian marketing campaigns, in which spending is equated with civil rights (p. 226). Political enfranchisement, rather than securing the formal inclusion of all citizens, occurs through highly specific practices of consumption, and gay marriage becomes an export commodity, as cities, provinces, and countries that legalize same-sex marriage begin to actively court the “lavender dollar” (p. 228). Whereas discourse ethics tends to support liberal arguments in favour of same-sex marriage, it does so on the basis of the equality of individuals, not on the grounds that the gay demographic is worthy of civic recognition because of its inherent promise of profitability.

To sum up, becoming “normal” as a goal of discourse ethics involves specific acts and capacities: being able to listen impartially to others, especially to strangers, and engaging in public debate. On a broader level, as citizens, we need to be socialized in ways that cultivate our sensitivity to truth and to moral rightness. Through these habits, we gain the will to oppose any procedures at odds with the ideals of equality and autonomy, as we develop suspicions toward arguments of profit and efficiency. To become normal is thus to become reasonable and to participate in the collaborative project of creating a healthy, legitimate democracy.

The feminist argument that develops out of queer theory takes a more sceptical stance. Rather than affirming the ideals of communicative reason, the queer critique looks to the exclusions inherent in certain versions of democratic enfranchisement.<sup>15</sup> Whereas the role of the citizen in discourse ethics reflects an essentially formal identity, open in principle without discrimination to all who belong to the nation-state, the alternative feminist approach to social justice questions such claims to neutrality. According to the queer critique, the so-called “good citizen,” recognized and rewarded under the law, not only reflects highly substantive cultural values but also reinforces the likelihood of ongoing state-regulated inequities. The “good citizen” can pass as “normal” and is therefore subjectively invested in perpetuating what is normal. Becoming normal, on these terms, inevitably supports the discriminatory exclusion of many forms of difference.

These differing perspectives on “normal” hinge upon debates over the very nature of identity-claims: is an identity claim a demonstration of authenticity? If so, then a claim to gay or lesbian identity is deserving of recognition and equal treatment under the law in part because it reflects the transparent self-understanding of a citizen. In contrast, is such a claim potentially a symptom of bad faith because ideals of essentialism depend upon masking their prescriptive and contingent nature?<sup>16</sup> In the case of this latter argument, those citizens who enjoy certain privileges do so through the specifics of their situated bodies, specifics which do not appear marked precisely because they accord with the normative picture of a deserving citizen—for example, whiteness, able-bodied and class-based indicators of mobility, gendered conformity, and heterosexuality expressed most commonly through marriage. Such individuals can enjoy a sense of “rightness” and self-deservingness without needing to acknowledge the ways in which their situations and, perhaps more significantly, their identities conform to state-prescribed expectations.

Depending on enfranchisement and other forms of state recognition for social justice, queer critics argue, only reinforces the normalizing powers of the state. In other words, we are included as enfranchised citizens only if we disavow our own bodily realities.<sup>17</sup> The history of marriage law, with its long-term legacy of discriminatory violence, demonstrates this linkage between enfranchisement and exclusion. Becoming normal on these terms means essentially accepting the bribe of privilege offered by the governing legislative authorities that maintain the right to draw boundaries around hetero- and homosexual identities and to determine what counts as a marriage.<sup>18</sup> Amy L. Brandzel (2005), for example, describes the history of marriage in the United States as exclusive, privileged, and normative, concluding that “advocacy for same-sex marriage reifies and reproduces these effects” (p. 173).<sup>19</sup> We can find support for Brandzel’s argument in the recent anti-Proposition 8 campaigns in California, where the rhetoric often revolved around claims to normalcy: as in, since gays and lesbians are normal tax-paying citizens, we deserve the right to get married. The anti-Proposition 8 campaigns relied upon images of upstanding, monogamous, often parental couples, images that illustrated conformity to class-based reproductive heterosexual norms: endorse our right to marry because we are just like you. According to the queer critique, such a campaign is not likely to transform inequitable values from within because affirming “normal” is always to risk demonizing the “abnormal.”

Rejecting claims to normalcy along these lines means that we cannot do what discourse ethics does, which is to assert the moral rightness of equality. Rather, in contrast, a queer critique of prejudice tends to affirm what queer thinkers identify as the “perversity” of sexual desire. According to this line of thought, desire cannot be categorized as deviant or anomalous because there is no concomitant category of normal sexuality; given that the perversity of desire is universal, constituting a formal aspect of sexuality, then any juxtaposition of “normal” with “pathological” fails to take into account the actual workings of desire itself.<sup>20</sup> To ground one’s defence of same-sex marriage in one’s own claims to a “normal” identity, then, is to inadvertently subtend a logic of normal/pathological, since what is “normal” implicitly sets itself against what is “abnormal.”<sup>21</sup>

This means that queer scepticism towards identity claims exposes problems with arguments for same-sex marriage that depend explicitly on identity politics. For example, rather than appealing to the shared ground of citizenship, the queer approach identifies the concept “citizen” as itself a source of discrimination and indefensible requirements.<sup>22</sup> Especially in the United States, liberal advocates often argue for the legalization of same-sex marriage on the basis of an analogy between the civil rights movement and the ongoing exclusions faced by gay and lesbian citizens. Just as anti-miscegenation laws were over-turned, so too should the exclusively heterosexual definition of marriage. In sharp contrast to this line of thought, the queer approach identifies such analogies between sexual orientation and race to be both ahistorical and insufficiently attuned to the intersecting relations of racialized, sexed, and gendered embodiment.<sup>23</sup>

The emphasis on ahistoricity is noteworthy because it renders problematic the ways in which discourse ethics ignores the history of specific forms of reason. Kimberly Hutchings (2005), for example, points out that discourse ethics excludes other views because of its understanding of modern rationality: “In buying into

[Habermas's] discourse ethics, one is also buying into an account of collective moral learning in which modernist liberal societies are the source of moral authority" (p. 162). Hutchings claims that "civilization" is not in fact a component of reason. In other words, discourse ethics, despite its self-understanding as neutral and inclusive, endorses idealized conceptions of particular versions of rationality and argumentation. If we accept this argument, then we need to admit that it is a political argument and not simply a reflection of reason itself when we call for the taking on of another's perspective (Young, 1997, p. 47).<sup>24</sup>

What does this translate into, in terms of actual practice? It means that the antidote to prejudice cannot simply involve recourse to education, reason, or public debate. Moreover, as I seek to participate in debates, I cannot assume that the other's point of view will be intelligible in my own terms. According to Iris Marion Young (1997), it is ethically vital that we acknowledge the impossibility of impartial imagining (pp. 38-59) and seek to cultivate asymmetry and moral humility (p. 49). This approach leads us to an understanding of prejudice as the symptomatic expression of my own failure to listen and perhaps to be silent before the other. Elsewhere, I describe these insights in terms of a certain "humility" in queer theory itself—a willingness to affirm the meaningfulness and fragility of desire in everyday life, especially in the face of diseases, prejudice, and change.<sup>25</sup> This humility means giving up one's own claims to "identity" as a secure source of belonging, resisting the temptation to ground one's sense of rightness by pointing to another's deviance. It also means working for social justice by undermining the violence of not only marriage laws but the increasingly draconian laws that govern national borders and that set up ideological divides between "citizens" and "non-citizens."

### **Secularism and the Same-Sex Marriage Debates**

In this section, I want to follow an intuition that the commitments of the two feminist frameworks come more closely into focus when we consider the forms of secularism at work within their approaches. Because of the need to undermine the prejudicial arguments of the Christian Right, the two feminist approaches risk shoring up a religious/secular divide. This is problematic because it gives the Christian Right license to elevate its position as a defence of religion itself, thereby aligning the patriarchal opposition to same-sex marriage with freedom. In what follows, I explore the extent to which discourse ethics and queer critique cede the terrain of the "religious" to the anti-feminist patriarchalists, suggesting that ultimately the queer approach holds more potential for highlighting the instability of the boundary between the religious and the secular.

The liberal feminism of discourse ethics tends to define secularism as non-sectarian openness to dialogue. In her persuasive criticisms of the opposition to same-sex marriage, for example, Margaret Denike (2007) makes the case that "religious doctrine is fundamentally incompatible with the secular law of liberal democracy" (p. 77). Habermas, more moderately, warns that there are real social dangers when religious communities do not acknowledge the pluralistic nature of democracy. According to this line of thought, religious believers need to translate their own claims into terms that are inclusive of all citizens, regardless of background or religious affiliation, in order to be able to participate in democratic

society. When believers do not translate their claims, relying instead on arguments that make sense solely to members of their own community, Habermas explains that they risk unleashing “a destructive potential” (2003, p. 104) that threatens the democratic project, as seen for example in the conflicts over “God, gays, and guns” in the 2004 elections in United States (2006b, p. 3).<sup>26</sup>

This liberal version of secularism, then, places a certain burden on religious communities by asking believers to translate their claims into accessible terms. This burden is justified in the name of securing religious freedoms for individuals and communities. According to the liberal terms of discourse ethics, the freedom of religion tends to be understood as an individual’s right to express his or her own choices about which beliefs to uphold and follow, choices that, by definition, are not imposed by external forces.<sup>27</sup> For example, Canada’s Supreme Court advised Parliament that the legalization of same-sex marriage would not mean that religious officials could be compelled to perform same-sex marriage ceremonies if they deemed such ceremonies to be contrary to their religious beliefs. Rather than being obliged to participate in acts that contradict their beliefs, religious citizens have the constitutional right to uphold, freely, the truth of religious propositions.<sup>28</sup> In other words, one’s right to religious belief is protected in part because of the very independent or non-coerced origins of those beliefs.

An alternative approach to freedom of religion does not define belief in terms of an individual’s voluntary decisions about truth, emphasizing instead the many aspects of an individual’s situation, conscience, and socio-historical forces that might lead to specific religious actions and affiliations.<sup>29</sup> From this perspective, it seems misguided to place so much emphasis on individualist choice as it comes close to defining religion as yet another consumer good, such that religion reflects one’s lifestyle rather than reflecting, constitutively, an end in itself. It also seems to endorse a form of consumer-based citizenship—do-it-yourself (DIY) citizenship—where freedom is essentially understood in terms of freedom of consumption.<sup>30</sup>

The queer critique, positioned in part directly against liberalism’s appeals to neutrality and equality, seems to demonstrate this latter understanding of religious freedom, reflecting what we could call a different genealogy of secularism. Rather than appealing to the secular state—since the state’s regulatory powers over intimacy and desire are in part defined as discriminatory—the queer approach to secularism emphasizes embodied practices, rather than beliefs and choices, and resists placing hope in the autonomy of the liberal individual.

From this line of thought, we can identify in liberalism what could be called an unintentional deference to the very category of religion. Defining religion in terms of an individual’s chosen beliefs is not itself a neutral approach to religion, and we see this when we take a long historical view of liberalism’s emergence within specifically Protestant concerns.<sup>31</sup> While the term “belief” is used within liberalism to refer to the essence of all religions, “belief” as a concept actually reflects a meta-religious understanding of religion, inherited from one specific religious tradition—namely, Protestant Christianity.<sup>32</sup> A Protestant approach to religion emphasizes the capacity of an individual believer to choose, identify, and interpret his or her own beliefs, without relying on the mediation of authorities. Liberal secularism, in other words, reflects what Michael Warner (2008) identifies as “the meta-religious

understanding of post-Calvinist Protestantism, generalized as an understanding of religion *per se*” (p. 613).<sup>33</sup>

One feminist predicament that arises from this essentialized definition of religion is that religiously marked voices in the public sphere are able to position themselves as advocates, not only of their own particular theological traditions but of religion itself. Kathleen Sands (2008) comments that since the 1970s, “the more religiously orthodox a group is, the less feminist it will be. And the more orthodox and antifeminist a religious group is, the more its views are able to register in public life as religious” (p. 321).<sup>34</sup> In my reflections on the differences between these two feminist approaches, I have come to see this next point as marking the biggest gulf between the two. If we take seriously the call to reflect historically on the religious/secular divide, we do not have recourse to one tempting way of responding to the increasingly aggressive anti-feminism of the Christian Right.

This response, frequently articulated from within liberal feminism, identifies and seeks to undermine religious patriarchalism first by defining it as fundamentalist and second by refuting fundamentalism because of its essentially violent nature. However, one of the important arguments made from within secular studies is that equating fundamentalism with violence is ahistorical and risks masking ongoing acts of international violence. Talal Asad (1993), for example, directly refutes linking religious fundamentalism with violence, arguing instead that Western imperialism, including the coercive increase of economic and ideological power over non-European peoples, is part of the conditions of possibility for modern liberal arguments about tolerance and rational progress (p. 229). In other words, the processes of Westernization in non-Western contexts, which appeal to the very ideals of tolerance, result in many forms of violence; this makes it highly difficult, according to Asad, to distinguish between the so-called “liberating powers of transcendental reason” upheld by liberal discourse and the “secular powers that destroy and reconstruct” (p. 231).

Rather than calling into question the distinction between the religious and the secular altogether, it seems that the queer critique tends to highlight the instability of the boundary between the two. This instability can be seen in the ways in which liberal secularism often seeks to remake religious subjectivities in order to make them compliant with liberalism.<sup>35</sup> For example, the French government defines what is and is not religious attire (Mahmood, 2006, p. 325), and so secularism can be seen in part as a reshaping of religion, rather than its banishment from the public sphere. Put differently, secularism has not entailed the abandonment of religion as much as its ongoing regulation.

From this perspective, determining which choices qualify as appropriately “religious” and, therefore, deserving of protection is not a neutral act, especially given the contrast of “religious” choices both with “secular” choices that remain unmarked and with choices that seem to conflict with Protestant assumptions about religion and religiosity. As one example of the latter, Saba Mahmood (2005) points out that Islam is frequently cast as an eruption of religion outside the supposedly “normal” domain of suitably individualist worship, and so “it is a secular-liberal inquisition before which Islam must be made to confess” (p. 189).

Just as the unmarked privileges of normative gender and heterosexuality tend to pose as neutral, the secular itself can invoke a certain neutrality, disavowing its own highly specific history, one which, as Sands (2008) points out, provides generously

for those who bear its own cultural heritage (p. 309). The form of secularism underlying queer theory, then, provokes attention to the specifically Protestant history, not only of liberal secularism but also of the shared common law traditions found in both US American and Canadian marriage policies.<sup>36</sup> These common law traditions emerged historically out of religious ecclesiastical practices, and so marriage itself, as an organizing social bond, has religious origins.

### **The Postsecular Turn in Feminist Reasoning**

As I mentioned above, my friends in San Francisco, whose warm and celebratory wedding invited community support of their relationship, demonstrate a liberal approach to social justice, an approach that contrasts with my own commitments to social justice as a queer thinker. Our differing choices related to marriage demonstrate differing forms of rationality, or different approaches to reasoning about the issue, each of which offers important ways to identify and overturn forms of injustice.<sup>37</sup> In my conclusion, I am not aiming to settle the question of whether or not we should as feminists support same-sex marriage in the name of social justice. Rather, I want to raise the question of what it might look like to take up the alternative genealogy of secularism, described above, in order to participate in what Rosi Braidotti (2008) has called the “postsecular turn in feminism.”

This turn, as an approach to articulating and advancing social justice, offers the possibility of an intellectual reconciliation between the two feminist modes of reasoning discussed above—a reconciliation based upon acceptance and perhaps even affirmation of their differences. While we may need to relinquish certainty about where our particular methods will lead us, foregoing the comfort that comes from adamantly endorsing one’s own ethical project, we gain hope in the future-oriented work of social change. Rather than seeking to overcome the dissonances between the feminist liberal project and queer critical theory, the postsecular turn indicates tremendous value in dissonance itself.

“Postsecular” is a term that refers to the instability of the boundary between the “religious” and the “secular.” It prompts awareness of the very question of methodology—of *how* we decide to strive for social justice—because it calls attention to the habits, actions, and methods adopted by thinkers and activists as they attempt to achieve their varied goals. Rather than focusing on our goals for social justice, we can focus on *who* we actually become, in and through our adoption of modes of rationality or reasoning. Even scholarly techniques of criticism, for example, are oriented towards becoming specific kinds of actors: namely, individuals who are capable of highly particular skills or attuned to achieving particular ideals.<sup>38</sup> According to postsecular thinking, to highlight the means through which an individual employs a particular framework is to examine his or her *ethical* aspirations; in these terms, reasoning practices are, essentially, ethical practices. By “ethical,” I am referring to capacities and potentialities that an individual gains, through his or her practices of reasoning.<sup>39</sup> Along these lines, both discourse ethics and queer critical theory can be seen as essentially ethical projects.

The crux of this point is that it disturbs any supposed neutrality of secularizing modes of reason. By looking at the ethical significance of those tasks to which we

are devoted, the division between “religious” and “secular” becomes less relevant, and we face the challenge of accepting responsibility for our ethical practices, not taking them for granted as prescribed or inevitable. In other words, we take into account the very capacities that we have cultivated, opening up space for acknowledging other ethical practices.

As individual thinkers and activists, we ourselves might participate in differing ethical projects. Similarly, we can value differing ethical projects without needing to resolve this tension by subsuming the differences under the name of “tolerance.” We are left without the tempting recourse to condemn other ethical projects simply because they are religious, and this point might very well raise the stakes for feminist commitments. For example, referring to her own ethnography of the pious practices of Islamic women in Egypt, Saba Mahmood (2005) asks, “Have I lost sight of the politically prescriptive project of feminism in pushing at the limits of its analytical envelope?” (p. 36). By “pushing at the limit,” I understand Mahmood to be referring to the dissonance that results from seeing and perhaps even participating in various ethical projects, without collapsing their differences; while Mahmood’s own feminist commitments seem in line with liberal democratic ideals, these commitments do not preclude her engagement with the very different practices of Islamic piety. In other words, one’s own framework, while necessary for producing one’s own particular habits and goals, need not become the overarching lens through which to understand all social justice practices. The first quality of the postsecular turn, then, is concerned with acknowledging the ethical, rather than strictly rational or even political, nature of our social justice practices and accepting that dissonance might result from such an acknowledgment.

The postsecular turn also calls attention to the impassioned ways in which we live out our commitments, thereby opening to view the existential component of social justice projects. By “existential,” I am referring to the subjective investments that animate our rational choices and to the meaning that we find and attribute to our social justice practices. When we strive to achieve social justice, we do more than make rational claims about justice; we participate and contribute to an *ethos* of debate, in and through the mode by which we articulate our claims. As actors, we inhabit rational arguments with passionate attitudes, and such attitudes can differ dramatically: we might hold onto our claims with such adamance that our attitudes become dogmatic or bullish, or, in contrast, we might infuse our arguments with a spirit of openness towards differing views. We might, for example, differ on substantive grounds about the nature or the goals of social justice and yet inhabit our ideals with a shared *ethos* of generosity and fallibility. Likewise, as William Connolly (2008) points out, evangelical and corporate leaders can share a spirit of revenge and bellicosity, despite considerable doctrinal differences (p. 41).<sup>40</sup> Put differently, the same argument can be inhabited by generous or by domineering forms of spirituality or *ethos* (p. 128).<sup>41</sup>

It is a real possibility to create pragmatic alliances, even with those who uphold different philosophical approaches, by searching for similarities in attitude or “affinities of spirituality” (Connolly, 2008, p. 41). Practically speaking, we can look for resonances with others who, regardless of their choice of rational framework, cultivate an existential *ethos* of generosity and peace. Together, across theoretical divides, we can strengthen our opposition to prejudicial violence, opposing especially those thinkers and policy-makers who reinforce an *ethos* of bellicosity,

resentment, and vengeance. Here is where theory and praxis intersect, and where we can find intellectual as well as pragmatic accord between discourse ethics and queer critical theory.

How can we recognize existential allies whose spiritual ethos lines up with our own? One quality to both strive for ourselves and search out in allies emerges from an acceptance of the fallibility of our chosen methodologies: namely, the quality of humility. According to existential thought, our capacity for choice intensifies when we take responsibility for our own choices, including our chosen methodologies that we employ as we work for social justice. Existentially speaking, when we “choose” to choose, we are able to acknowledge the contingency of our frameworks, rather than assuming them to be inevitable or unquestionable. This point may seem counterintuitive—that we increase our sense of responsibility when we attend carefully to the limits and partialities of our adopted frameworks. However, rendering explicit our own attachments to arguments removes their “conceit,” as Connolly puts it (1995, p. 5).<sup>42</sup>

We can translate the first aspect of postsecular thinking—acknowledging that social justice can be sought through differing ethical projects—into our own existential approaches to social justice. In particular, by accepting that my own project of becoming is fallible and contingent, I allow for an expansiveness towards others’ equally fallible projects of becoming. For instance, my own enjoyment as a guest at my friends’ wedding was in no small part related to my sense that my friends’ position on same-sex marriage did not require complete consensus among the participants about the importance of marriage. I could participate fully without subscribing, myself, to the tenets of the ritual.

Choosing to choose one’s own methodology means resisting the temptation to turn one’s own goals into dogmas that are prescriptive of others’ choices. It also means recognizing the longings and needs of others, including the desire for recognition manifested in a wedding. The hope of postsecular thinking is that solidarity emerges most powerfully when people who, upholding differing ways of achieving social justice, forge alliances through shared existential affinities of generosity and openness towards dissonance.

As I suggested above, however, liberal proponents of discourse ethics might experience more difficulty in adopting the postsecular turn. For example, in contemplating my friends once again, it is unlikely that their wedding plans could have included cultural rituals that conveyed the very partiality of pro-marriage arguments. It is hard to imagine, for example, a witness at a wedding whose appointed role would be to identify some of the problematic exclusions inherent with the institution of marriage. The emphasis placed on formal democratic procedures, inclusive in principle of all citizens, seems to be at odds with the postsecular emphasis on the specificity and contingency of ethical projects of becoming. Whereas the postsecular affirmation of liberal becoming follows rather naturally from its underlying assumptions, the reverse is not necessarily so—that liberalism is, alongside *other* possibilities, one approach to inhabiting and passionately embracing a path towards social justice. However, the hope remains that the individual liberal actor, encouraged to contemplate his or her own subjective and existential choices about social justice, might thereby take up responsibility for those choices in an expansive and authentic mode of *choosing* to choose.<sup>43</sup>

There is a time for fighting passionately for the legalization of same-sex marriage, and also a time to protest the normalizing forces of marriage, consumption, and border-policing policies. The same person might participate in these various projects at different times, for convincing reasons. Given that discourse ethics and queer critical theory already do exist alongside each other, occupying different contexts for differing purposes, we may embrace the tensions that come from affirming different methods.<sup>44</sup> We might accept, without resentment, the contingency of our own goals, as we hold out hope for a variety of ideals of social justice.

## Notes

- <sup>1</sup> I would like to thank Tara Pedersen and Lindy Patterson for contributing invaluable insights and suggestions to this article.
- <sup>2</sup> For the sake of clarity, I am grouping together disparate thinkers under these two names, “discourse ethics” and “queer critique.” While I hope to show that particular concepts and commitments can become clearer through comparative analysis, I realize that there are limitations to delineating arguments in this way. For example, not every thinker that I cite self-identifies in terms of “discourse ethics” or “queer critique.” As well, while I am identifying both of these frameworks as “feminist,” arguing that productive alliances can be forged between these approaches, the term “feminist” is currently itself a matter of debate. For example, Janet Halley’s analysis of queer theory depends in part upon a real category distinction between feminist and queer commitments (2006). Similarly, see Young and Boyd (2008) for an analysis of same-sex marriage debates in Canada in which liberal discourse ethics is identified as distinct from feminist arguments; their analysis challenges my alignment of discourse ethics with feminism. While I am sympathetic especially to Halley’s position, I am interested in advancing an argument about the “postsecular feminist turn” in which both frameworks can be understood as valuable and productive for feminism.
- <sup>3</sup> Nancy Cott, a preeminent feminist historian of marriage, writes, for example, “a just marriage policy can arise only from a clear definition of the public good, built on a vital sense of the collective public” (2004, p. 36). To debate marriage policy is also to debate larger questions about the regulatory boundaries of specific social relations.
- <sup>4</sup> I have decided not to employ the term “fundamentalist” as the optimal adjective for this movement, although it is a term frequently employed to refer to the self-designation by militant protestant Christian organizations, such as the Moral Majority, which emerged in the mid to late 20<sup>th</sup> century (Marsden, 1991, p. 4). The term “fundamentalism” seems most useful from within the framework of discourse ethics, where “fundamentalism” refers to the refusal of a religious community to undertake the learning process that Habermas (2005/2006) argues is imperative for all members of a secularized nation—namely, the process that compels both secular and religious adherents to reflect on their own respective limits (p. 23).
- <sup>5</sup> For an example of this kind of religious rhetoric in the Christian evangelical tradition, see Tanya Erzen’s recent analysis of the ex-gay Christian movement, which employs highly determined notions of identity and sexuality in order to legitimate solely a heterosexual model of marriage (2006).
- <sup>6</sup> This argument can be found in William Connolly’s compelling analysis of the alliance of capitalists and conservative Christians in the United States; while the capitalists and the evangelical leaders do not make identical arguments about same-sex marriage, they share what Connolly calls a defensive bellicosity: “leaders insist that they are being persecuted unless they are thoroughly in power” (2008, p. 44).
- <sup>7</sup> Feminist theorists who exemplify this approach include Seyla Benhabib (1992), Nancy Fraser (1985), María Pía Lara (1998), and Amanda Anderson (2005).
- <sup>8</sup> See Charles Wright (2004) for an analysis of postconventional moral reasoning and feminist theory. On Wright’s interpretation, the distinction between conventional and postconventional rationality is between two modes of moral reflection; the latter mode is marked by the insight into the contingencies of custom and tradition that must be justified

discursively. On his account, then, postconventional morality is sufficiently critical for subverting our own prejudices.

- <sup>9</sup> Similarly, Prime Minister Jean Chretien reversed his own position in 2003, when he voted against a motion by the Alliance Party to define marriage as essentially heterosexual; he attributed his reversal to the recognition that “society has evolved” (as cited in Hiebert, 2003, p. 13).
- <sup>10</sup> Pointing out the irony of Bush’s “Marriage Protection Week,” Amy Brandzel asks, “What could have arisen to threaten the citadel of marriage in spite of DOMA, the mini-DOMAs, and marriage’s grounding in the natural and eternal heterosexual couple” (2005, p. 180)? Similarly, Wendy Brown comments that “marriage grows steadily more fragile and imperiled even as it remains idealized, sought after, and clung to” (2004, p. 89).
- <sup>11</sup> Another key procedural difference, in the United States, opponents of same-sex marriage have access to state-level initiatives not available in Canada, and marriage is largely a matter of state jurisdiction. In contrast, due to the constitutional division of powers, the Canadian provinces lack jurisdiction over marriage, and so in 2003, the Supreme Court of Canada’s advisory opinion upheld the federal government’s exclusive authority over the definition of marriage. This made possible the subsequent legalization of same-sex marriage in Canada in 2005.
- <sup>12</sup> See Fraser (1985).
- <sup>13</sup> For examples of this argument, see Denike (2007, p. 81) and Card (2007, p. 29). Denike calls an “integrated approach” to feminist arguments about same-sex marriage, bringing together the demand for legal recognition with a substantive redistribution of socioeconomic resources. While I agree with the way in which Denike characterizes these two arguments, I am aligning them both with the broader project of discourse ethics because I think that the distinction between strategic and communicative action enables both approaches to social justice. I realize that my rendering of discourse ethics is particularly broad and may not convince every reader, given for example Nancy Fraser’s emphasis on the real differences between the politics of recognition with redistributive politics.
- <sup>14</sup> Pointing to the role that strategic reason plays in the Christian Right’s operations, Connolly (2008) refers to “that ungodly alliance between cowboy capitalism and extremist Christianity” (p. 62). More specifically, same-sex marriage is often opposed in the name of an alignment between capitalism, creation, and God, in which, as Connolly (2008) puts it, “the Christian, heterosexual family becomes the wondrous site of sexual excitement” (p. 31).
- <sup>15</sup> Thinkers who follow in the spirit of this argument include Lauren Berlant (1997), Michael Warner (2002), Eric O. Clarke (2000) and Janet E. Halley (2000b). Feminist interlocutors of discourse ethics who join queer theorists in questioning the claims to normativity include Iris Marion Young (1997) and Kimberly Hutchings (2005).
- <sup>16</sup> For a more in-depth explanation of the existential aspects of queer theory, see my chapter “The Ideology of the Normal: Desire, Ethics, and Kierkegaardian Critique” (2009).
- <sup>17</sup> Eric O. Clarke (2000) makes this point from within the context of queer theory, referring to the “subjunctive imperatives” of the democratic promise of inclusion—act *as if* you accord with the universal characteristics of whiteness, straightness, et cetera. Similarly, see Eric Fassin (2001) for an analysis of the emergence of “gay conservative” arguments in favour of same-sex marriage rights in the United States, including, for example, the claim that “it is by normalizing homosexuality that homosexuals are made ‘normal’” (p. 222). Contrasting the history of same-sex marriage debates in the US with contemporary debates in France, Fassin (2001) demonstrates the importance of considering the political and historical context of the various logics employed in such public sphere debates.
- <sup>18</sup> See Janet E. Halley (2000a) for an examination of ways in which the category of heterosexuality is epistemologically determined in two juridical cases. Similarly, see Claudia Card (2007) for a rejection of the legalization of marriage *per se* because such legalization involves both the recognition and *regulation* of intimate relationships by the state. Card (2007) points out, “Abusive marriages easily become lethal,” and it can be highly difficult to exit an abusive marriage because the state demands that certain demonstrable grounds be met. Because of the benefits attached to marriage, moreover, marriage as an institution contributes to the inequitable distribution of goods in society (p.

- 25). Card (2007) therefore explains, “My ideal is that the law not define or in any other way regulate durable intimate unions between freely consenting adults” (p. 27).
- <sup>19</sup> For another exemplary argument along these lines see Siobhan B. Somerville (2005).
- <sup>20</sup> For examples of this particular line of thought, see Lee Edelman (2004), James Penney (2006), and Tim Dean (2009). It is noteworthy that within queer theory it is the Lacanian theorists above all who argue that there is an emancipatory promise to be found within the universality of perversity.
- <sup>21</sup> Even a defence of gay identity as “normal” betrays the workings of desire; along these lines, for example, Tim Dean claims that “the ego, even the gay ego, is the enemy of desire” (1995, p. 125).
- <sup>22</sup> Brandzel writes, for example, “I believe that ‘queer’ and ‘citizen’ are antithetical concepts” (2005, p. 197). Similarly, Lisa Duggan remarks, “Surely gay respectability politics and the sentimentality of the citizen who only wants to be ‘good,’ now dominant on the US political landscape, do not lead us anywhere *else*, but only into the moribund institutions that deaden the body politic (marriage, the military)” (2009, p. 279).
- <sup>23</sup> For examples of scepticism towards analogies between same-sex marriage and the overturning of anti-miscegenation laws, see Janet E. Halley (2000a) and Somerville (2005).
- <sup>24</sup> Young argues that Seyla Benhabib’s feminist intervention into discourse ethics sustains the privilege given by Habermas to the historical “achievement” of intercultural moral learning.
- <sup>25</sup> See my forthcoming article “Queering Kierkegaard: Sin, Sex, and Critical Theory” where I expand on this point, looking especially at the role of silence in queer critical theory.
- <sup>26</sup> In this liberal argument, the secular state is often described as a historical achievement, crucial for the reduction of religiously based violence. Maeve Cooke (2007) describes the danger, for example, that “dispensing with the requirement of a secular basis for political authority will create the conditions for the kind of religiously-based, authoritarian state that the secular state sought to overcome” (p. 234).
- <sup>27</sup> Describing this liberal approach to religious freedom, Michael J. Sandel (2004) writes, “Religious beliefs are ‘worthy of respect,’ not in virtue of what they are beliefs in, but rather in virtue of being ‘the product of free and voluntary choice,’ in virtue of being beliefs of a self unencumbered by convictions antecedent to choice” (p. 84). Kathleen Sands (2008) identifies this approach as the “exceptionalist tradition”, in which religion is identified by interior faith, which cannot be “coerced” (p. 310) and which is incommensurable with the secular realm of politics, law, and public debate.
- <sup>28</sup> For a description of the Supreme Court’s advisory opinion, see Peter W. Hogg (2006, p.720).
- <sup>29</sup> Sandel (2004) describes nicely the ways in which this second approach to the freedom of religion contrasts from the liberal understanding. Rather than maintaining that religious beliefs can be adequately described as “the product of free and voluntary choice of the [unencumbered] faithful” (p. 85), in this alternative approach, religious liberty is defined in terms of the freedom of conscience; as “encumbered” selves, we have the right to follow the dictates of our conscience, duties that we cannot renounce and so, in a sense, are not choosing ourselves.
- <sup>30</sup> As Anne Cronin (2000) explains, DIY citizens express individuality through fashion-based choices. The need for self-expression modeled by consumption reflects what Cronin (2000) calls the imperative of “compulsory individuality” (p. 277), framed through consumerist discourses of self-actualization and choice: “The promise of the brand is that it taps into and expresses the essence of who you are in ways that you can barely articulate yourself” (p. 276).
- <sup>31</sup> Michael Warner (2008) makes this case persuasively (p. 612).
- <sup>32</sup> In addition to Warner, Kathleen Sands (2008) makes this point as well, adding that this definition of religion also risks making certain Anti-Judaic assumptions: “And if modern Western secularism constitutes a descendent of Christian universalism, it may carry an inherent anti-Semitism that Jews have learned to navigate, just as they always have navigated their way within Christian hegemony” (p. 318).
- <sup>33</sup> Warner (2008) suggests that what we actually mean by religion could be better described as “religiosity about religion” (p. 616), arguing that when secular democratic governments manage religious freedom, they are actually regulating “what counts as religion” (p. 613).
- <sup>34</sup> According to Sands (2008), this public defence of religion has in recent years begun to lose its feigned universality, replaced instead by an aggressive, openly ethnocentric evangelicalism (p. 324).

- <sup>35</sup> For example, Saba Mahmood (2006) claims that liberal secularism often involves the remaking of religious subjectivities in order to make them compliant with liberalism; in other words, there is a “civilizing and disciplining” normative impetus here that calls itself religiously neutral (p. 328).
- <sup>36</sup> In its judgment in favour of the legalization of same-sex marriage in *Goodridge v. Department of Public Health* (2003), for example, the Massachusetts State Supreme Court cited the Ontario Court of Appeals decision, *Halpern v. Canada* (2003), demonstrating the shared basis of English common law in Massachusetts and Ontario. See Smith (2007, p. 14).
- <sup>37</sup> For example, Adèle Mercier (2008) suggests that the marriage debates can best be understood by assessing the ideals and models of reason at work implicitly within the various lines of argumentation. Examining the arguments made by the opposition to same-sex marriage in Canada, for example, Mercier (2008) comments, “If same-sex marriage were unreasonable, it wouldn’t take such unreasonable arguments to prove it” (p. 409).
- <sup>38</sup> Warner (2004) explains, “Critical reading is the pious labour of a historically unusual sort of person” (p. 36), qualifying the so-called “objectivity” of the secular scholar in terms of the “piety” of acquiring academic skills and following academic conventions.
- <sup>39</sup> The term “ethics” has a wide variety of references; in this context, I am employing the term in line with thinkers like Saba Mahmood and Michael Warner who look to Michel Foucault’s later writings on the ethical practices of selfhood.
- <sup>40</sup> Similarly, Gilbert Herdt (2009) describes the opposition to same-sex marriage as a movement to incite “moral panic,” concluding that “their aim is not to educate but to promote panic and confusion, thus shutting off debate. We cannot have democracy in that way; down that road lays fascism” (p. 193).
- <sup>41</sup> Connolly (2008) writes, “A key idea is that affinities of spirituality—whether finding expression as a devotion to a loving God, a disposition to tolerance, care for the future, love of this world, or a drive to revenge against the most fundamental terms of human existence—often jump across different professions of creed, doctrine, and philosophy” (p. 41).
- <sup>42</sup> Kathleen Sands (2008) notes that the arguments advanced by the religious patriarchalists no longer even pretend to invoke universality (p. 324), demonstrating instead attitudes of resentment towards any alternative positions. In sharp contrast, then, we can find ways to accept without resentment the contestability of our chosen philosophical frameworks in the eyes of others (Connolly, 2008, p. 7).
- <sup>43</sup> See my forthcoming article “Habermas’s Kierkegaard and the Nature of the Secular” for an examination of the existential elements of liberal discourse ethics.
- <sup>44</sup> Warner suggests that liberal GLBT projects and queer projects need not be mutually exclusive, pointing out, “Queer activists are also lesbians and gays in other contexts—as, for example, where leverage can be gained through bourgeois propriety, or through minority-rights discourse, or through more gender-marked language” (2002, p. 213).

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