

short, the same rights and benefits that heterosexual couples have. Inheritance rights are particularly important (as I am personally aware): if one member of a gay or lesbian couple dies there will be tax to be paid on part of the bequest from the deceased to the survivor (there is no such tax for heterosexual couples). In a fit of parsimony, the government is not allowing full pension rights until 2010. Unions are fighting this delay. A case is also being made for civil partnership rights for heterosexual unmarried couples.

Apart from the desire for equal rights, does the expression of love and passion and the hope for enduring care really require marriage rather than a legalistic civil union? I have been in a gay relationship for thirty-one years and have asked myself if my partner and I would want to marry at this stage. After all this time—very happy time—is not a marriage redundant? Aren't we metaphorically or

metaphorically already married? When we held a large twenty-fifth anniversary party with our families, many friends, and neighbors, we were a little coy about calling it our "silver wedding anniversary," but the attendees were not at all coy about giving us silver roses and so on. I suppose that was the real public statement of our love.

When I was young and involved in gay liberation groups and homosexual equality organizations, people used to challenge the notion of gay marriage and ask, who wants to ape the bourgeois dead end of marriage? Why not have a variety of relationships? I used to sympathize with that sentiment. But now I can understand the value of having the opportunity to celebrate a same-sex marriage, which is a public demonstration of the integrity, commitment, and honesty of the relationship.

Churches have been the historic oppo-

nents of same-sex relationships, and the divided Christians (the Muslims seem to have no doubt about their opposition) are getting their knickers in such a twist over the issue that we can wonder whether they'll ever have any more fun. The problem for the Anglicans is that a high number of clergy are gay or lesbian, a barely kept secret that could be of great embarrassment if publicly discussed.

I was recently in Uganda, where the attitudes of religion and the state have led to such policies as life-imprisonment for homosexuals. I made a statement to the press in favor of gay rights. Of course, I knew I'd be leaving quite soon for countries where same-sex couples who want equality and marriage are finding it increasingly possible. But we cannot be happy until that has been achieved in all the countries around the world where homosexuals are persecuted. ■■

HUMANIST ACTIVISM

Atheism and Civil Rights

A Reply to Tabash and Downey

DJ Grothe and Austin Dacey

We would like to thank Edward Tabash and Margaret Downey for their thoughtful comments on our article "Atheism Is Not a Civil Rights Issue."¹ We are gratified that our article has stimulated such interest. Tabash objects to our characterization of atheism as a matter of public awareness and education rather than of civil rights, and he defends his proposal to support candidates for public office based on their unbelief. Downey attacks our claim that in America today there is no "atheist-bashing" comparable to gay-bashing. She cites the findings of the Anti-Discrimination Support Network, a nonprofit organization she founded to collect accounts of discrimination against the nonreligious.

We reply to these objections in turn and then develop our suggestion that the social standing of nontheists is best addressed through public awareness and education. In place of the gay rights, feminist, and civil-rights models, we suggest an alternative model, drawing on the experience of a quite different group that has achieved remarkable recognition in the last four decades.

TABASH

Tabash begins with the claim that atheists are unelectable to public office:

One test of whether a minority group's struggle for equality is a civil rights issue is whether majority attitudes toward that minority reflect unreason-

able prejudice or a desire to deny full legal rights to minority members. By this standard, atheists' efforts to achieve legal and social equality indeed constitute a civil rights movement . . . a larger percentage of American citizens, 49 percent, would vote against an atheist on grounds of atheism alone than would vote against someone for any other reason.²

We grant this (rather disheartening) demographic fact. What can one reasonably conclude from it? Consider the following questions:

Would you vote against an atheist on grounds of atheism alone?

Should atheists be prohibited from *running* for public office?

If 49 percent of Americans answered Yes to question two, then Tabash might have a case that atheists' civil rights are at risk. But by answering yes to question one, Americans are not expressing a desire to deny full legal rights to atheists. Every natural born citizen over thirty-five has a right to run for president, but no one has a right to the presidency.

Tabash claims that "[s]ince the majority in our nation regards nonbelievers with disdain and craves an end

to government neutrality between religion and nonbelief, the struggle of atheists in the United States is indeed a civil rights issue.” He is mistaken for two reasons. First, in recent years the U.S. Supreme Court has consistently ruled in favor of the government’s stance of strict neutrality towards religion. Tabash acknowledges this. His claim is that neutrality *would be* (does he mean “might be”?) eroded if the composition of the Supreme Court changed and it started to rule differently. This is like observing that people with disabilities would be vulnerable to employment discrimination if the legislation protecting them were not in place—it is, so they aren’t. Similarly, Tabash points out that in 1964 the Congress could have excluded atheists from the Civil Rights Act but didn’t. Given all this counterfactual discrimination, it was no surprise to see a million atheists *not* marching on Washington recently.

Tabash seems to be saying that atheists should mobilize a *preemptive* movement to protect the rights they now do have. Granted, in some cases it makes sense to rouse a constituency to counter or even preempt attacks on rights that they still enjoy: consider the pro-choice movement. Perhaps Tabash could hold up this movement, rather than the gay rights and civil-rights movements, as the model for atheists. The trouble with this suggestion is that there just is no threat to atheists’ rights that is as imminent and serious as the threats to women’s rights regarding their fetuses. Without question, there are serious threats to government neutrality towards religion. However, in most cases, these do not constitute threats to nontheists’ rights. Herein lies Tabash’s second mistake.

Tabash—like many nonbelievers who consider this issue—seems to regard every breach of the church-state wall as an infringement on nonbelievers’ civil rights. Yet there are plenty of ways that the state can violate the Religion Clauses of the U.S. Constitution without violating any individual’s civil rights. Consider the Pledge of Allegiance. The legal issue is whether the “under God” clause lacks a secular purpose, not whether plaintiff

Michael Newdow has a civil right to send his daughter to a school in which she never hears his worldview contradicted. Or consider the public funding of private religious schools. Nonbelievers may object to their money being used in this way. But that’s not discrimination; its taxation. Nonbelievers oppose the encroachment of church on state because they (like many liberal religionists) want a secular government. That explains why secularism is an atheist issue; it does not show that atheism is a civil rights issue.

Since finishing second in a race for the California legislature in 2000, Tabash has been, in his own words, “clamoring for the election of Atheists to political office.”³ One interpretation of his position is that when assessing the considerations in favor of or against a candidate for political office, atheism ought to trump all other considerations.⁴ In the present article, Tabash characterizes his view as follows: “When one of our colleagues in freethought makes a bid for office and has a significant chance of winning, we should try to give that candidate our support even if we do not agree with him or her on every issue.” This way of putting the view is far more plausible, but precisely because it is far more indeterminate. How much weight are we to place on unbelief? Should it outweigh a candidate’s position on health care reform, international aid, the war on drugs? What if the atheist candidate, for political reasons, eschews strict church-state separation? It is one thing to claim that when all other considerations leave one indifferent between two candidates, atheism should serve as a tie-breaker. To say more than this is to presuppose that there is some ranking of political values that is appropriate for all unbelievers. Clearly, Tabash has not said anything convincing about what that ranking might be.

DOWNEY

We are familiar with Margaret Downey’s Anti-Discrimination Support Network (ADSN) and its case file of reported incidents of wrongdoing against atheists. When we said we know of no compelling example of “atheist-bashing,” we did not mean to deny the existence of such incidents. Indeed, in our work with the Center for Inquiry over the years both of us have heard countless firsthand accounts from rationalists in communi-

ties across the nation. What we meant to deny is that these incidents rise to a level of severity, frequency, and scope that is comparable to gay-bashing, to say nothing of racially motivated attacks. Gay rights groups documented over 2,445 incidents resulting in bodily injury or death in 1997 alone.⁵ Victims were severely beaten, pushed down flights of stairs, or shot. A gay nightclub in Atlanta was bombed, wounding several with shrapnel. By contrast, the only physical incidents highlighted by Downey involved children bullying children. Further, because homophobic, racist, and misogynist violence are relatively frequent and widespread, they create climates of fear and intimidation that the rationalist community simply has never experienced. If you doubt this, just show up at any meeting of atheists, thousands of which are held peacefully in public libraries, on college campuses, and in restaurants each year from Boston to Baton Rouge.

As Downey points out, mistreatment often goes unreported. But surely an epidemic of hundreds or thousands of aggravated assaults and murders of atheists would not escape law enforcement and media attention, no matter how believer-biased they may be. After all, Downey reports that she made the news after being merely *threatened* with harm over the phone.

We do not wish to minimize the awfulness of the abuse, harassment, and ostracizing that Downey and many others face because of their atheism. Such mistreatment is wrong and inexcusable. It’s just not on a par with “bashing.” In America, people just do not get killed for being atheists.

As for the Boy Scouts of America (BSA), the question is not whether they discriminate against atheists; that’s their explicit policy. Downey concedes our point that most legal observers consider BSA a private organization that is under no legal obligation to admit just anyone to membership. But she goes on to point out that BSA receives various public benefits, saying “[p]rivate religious organizations should not be permitted to recruit in public schools, enjoy public financial support, or receive free use of public lands.” We couldn’t agree more. But notice that this objection is distinct from and incompatible with Downey’s original objection, for if BSA is a private group that illegally takes

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public support, then it cannot be a public group that illegally excludes atheists.

That said, the BSA's "morally straight" criterion is surely *morally* objectionable, not to mention imprudent for an organization that does business in an increasingly pluralistic culture. Individuals and corporate citizens are right to pressure Scouting to relax its narrowly Judeo-Christian character and become more tolerant.

We share Tabash's and Downey's sense of affront at the average Americans' hostility to nonbelievers. The mainstream attitude is born of ignorance and xenophobia and should be morally repugnant to every fair-minded person. We salute all those who strive to reverse this shameful public attitude. We simply maintain that this can best be done without strained (or even insulting) analogies to America's historically repressed minorities.

A BETTER MODEL

Beginning in the 1950s and increasing in the 1960s and 1970s, cultural conservatives founded think tanks and educational organizations such as the Heritage Foundation, Intercollegiate Studies Institute, Concerned Women for America, and Phyllis Schlafly's Eagle Forum, among many others. At that time, in the heyday of the sexual revolution and civil rights movements, their point of view had virtually no visibility or respectability in public discourse.

To the utter astonishment of the liberal political establishment, these organizations have come to exert overwhelming influence in American public policy, media, and in education. A generation of their cultural warriors has successfully entered and transformed the establishment. Consider that alumni of the Intercollegiate Studies Institute (a young William F. Buckley was ISI's first president) filled several key positions in the Reagan administration, including National Security Adviser. Its fiftieth anniversary gala featured addresses by George Bush, Antonin Scalia, Rick Santorum, and Mitch McConnell, who credited ISI in part for the Reagan revolution.

The strategists behind these organizations did not set out to win the civil rights of cultural conservatives. They already had them, just as atheists do. Rather, the goal was to popularize the culturally conservative point of view

and to bring it to bear on public policy.

In a similar way, the Center for Inquiry has succeeded by positioning itself to be the authoritative voice and advocate for the secular, scientific outlook in our society. As a think tank rather than as a civil-rights pressure group, CFI is sought by national news media and opinion makers for expert commentary. As a publisher of popular

magazines and a sponsor of educational and campus programs, The Center for Inquiry reaches hundreds of thousands of people each year. By focusing on educating the public about scientific naturalism, rather than on emancipating atheists, CFI hopes to improve the social standing and influence of all those who dissent from the orthodoxies of the day. ■■■

Notes

1. Margaret Downey, "Discrimination Against Atheists: The Facts," *FREE INQUIRY*, June/July 2004; Edward Tabash, "Atheism Is Indeed a Civil Rights Issue: Struggling for Equality Before the Law," *FREE INQUIRY*, June/July 2004. Grothe and Dacey's article appeared in the February/March 2004 *Free Inquiry*.

2. Tabash, "Atheism Is Indeed a Civil Rights Issue," p. 44.

3. "Thoughts on December 31, 2001," http://www.secularhumanism.org/library/www/tabash_01_02.htm.

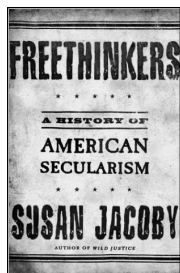
4. In an earlier writing, Tabash flirts with this suggestion. For example, he says

"bigotry against someone because of that person's atheism is as pernicious as bigotry against someone because of that person's race. It follows, then, that if members of racial minorities are morally justified in giving top priority to electing their own to public office, so are we atheists." See "Electing Atheists to Political Office," *The Secular Web Kiosk*, August 2001. <http://www.secweb.org/asset.asp?AssetID=122>.

5. Data was gathered by The Southern Poverty Law Center's Intelligence Project, the National Coalition of Anti-Violence Programs (NCAVP), and the Human Rights Campaign.

REVIEWS

A FREETHOUGHT CLASSIC



A look back at American secularism lets us look ahead

Rob Boston

Freethinkers: A History of American Secularism, by Susan Jacoby (New York: Metropolitan Books, 2004, ISBN 0805074422) 417 pp. Cloth \$27.50.

Susan Jacoby's *Freethinkers: A History of American Secularism* is the freethought book of the year. Make that the decade. OK, the century.

The twenty-first century may be young, but it's hard to believe anyone is going to

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top this achievement within the next ninety-six years. In *Freethinkers*, Jacoby succeeds in reclaiming a lost freethought heritage while boldly and without apology defending the secular state.

Jacoby takes aim at what she calls the "religiously correct" version of American history. Often promoted by TV preachers and their fundamentalist allies in politics, this skewed tale of America emphasizes the views of