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978-0-521-19122-7 - Fundamentalism in American Religion and Law: Obama's Challenge to Patriarchy's Threat to Democracy

David A. J. Richards

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FUNDAMENTALISM IN AMERICAN RELIGION AND LAW

Why, from Ronald Reagan to George Bush, have fundamentalists in religion and in law (originalists) exercised such political power and influence in the United States? Why has the Republican Party forged an ideology of judicial appointments (originalism) hostile to abortion and gay rights? Why and how did Barack Obama distinguish himself among Democratic candidates not only by his opposition to the Iraq war but also by his opposition to originalism?

This book argues that fundamentalism in both religion and law threatens democratic values and draws its appeal from a patriarchal psychology still alive in our personal and political lives and at threat from constitutional developments since the 1960s. The argument analyzes this psychology (based on traumatic loss in intimate life) and resistance to it (based on the love of equals). Obama's resistance to originalism arises from his developmental history as a democratic, as opposed to patriarchal, man who resists the patriarchal demands on men and women that originalism enforces – in particular, the patriarchal love laws that tell people who and how and how much they may love.

David A. J. Richards is Edwin D. Webb Professor of Law at New York University School of Law, where he teaches constitutional law, criminal law, and (with Carol Gilligan) a seminar on resisting injustice. He is the author of sixteen books, most recently *Tragic Manhood and Democracy: Verdi's Voice and the Powers of Musical Art* (2004); *Disarming Manhood: Roots of Ethical Resistance* (2005); *The Case for Gay Rights: From Bowers to Lawrence and Beyond* (2005); *Patriarchal Religion, Sexuality, and Gender: A Critique of New Natural Law* (with Nicholas Bamforth, 2008); *The Deepening Darkness: Patriarchy, Resistance, and Democracy's Future* (with Carol Gilligan, 2009); and *The Sodomy Cases: Bowers v. Hardwick and Lawrence v. Texas* (2009). He has served as vice president of the American Society for Political and Legal Philosophy and was the Shikes Lecturer in Civil Liberties at the Harvard Law School in 1998.

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For Carol Gilligan and Nicholas Bamforth

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“[F]undamentalist religious doctrines and autocratic and dictatorial rulers will reject the ideas of public reason and deliberative democracy.”

– John Rawls

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