The Political Morality of Liberal Democracy

In this important new work in political and constitutional theory, Michael J. Perry elaborates and defends an account of the political morality of liberal democracy: the moral convictions and commitments that in a liberal democracy should govern decisions about what laws to enact and what policies to pursue. The fundamental questions addressed in this book concern (1) the grounding, (2) the content, (3) the implications for one or another moral controversy, and (4) the judicial enforcement of the political morality of liberal democracy. The particular issues discussed include whether government may ban previability abortion, whether government may refuse to extend the benefit of law to same-sex couples, and what role religion should play in the politics and law of a liberal democracy.

Michael J. Perry holds a Robert W. Woodruff Chair at Emory University, where he teaches in the law school. Previously, Perry held the Howard J. Tiernens Chair in Law at Northwestern University, where he taught for fifteen years, and the University Distinguished Chair in Law at Wake Forest University. Perry has written on American constitutional law and theory; law, morality, and religion; and human rights theory in more than sixty articles and ten books, including The Idea of Human Rights; We the People: The Fourteenth Amendment and the Supreme Court; Under God? Religious Faith and Liberal Democracy; Toward a Theory of Human Rights: Religion, Law, Courts; and Constitutional Rights, Moral Controversy, and the Supreme Court.
The Political Morality of Liberal Democracy

MICHAEL J. PERRY

Emory University, School of Law
To my friends and colleagues at Emory Law School’s Center for the Study of Law and Religion,
and to the memory of the great master of “law and religion,” Hal Berman,
who graced the Center with his inspiring presence for more than twenty years.
Contents

Introduction

Part I. Liberal Democracy, Human Rights, and Religious Faith

1. Liberal Democracy and Human Rights
2. Liberal Democracy and Religious Faith

Part II. First Principles

3. The Right to Moral Equality
4. The Right to Religious Freedom
6. Religion as a Basis of Lawmaking

Part III. First Principles Applied

7. Abortion
8. Same-Sex Unions

Part IV. The Constitution of Liberal Democracy

9. Protecting Constitutionally Entrenched Rights: The Courts’ – In Particular, the U.S. Supreme Court’s – Proper Role

Conclusion: In the Matter of the Adoption of John Doe and James Doe

Index