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Legislating Morality: Pluralism and Religious Identity in Lawmaking

Lucinda Peach

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The debate over religious lawmaking pits respect for religious pluralism against moral identity-with liberal theorists contending that religious lawmaking is generally suspect in a morally and religiously diverse polity like the United States, and communitarian ones arguing that lawmakers cannot, and should not, be expected to suppress their religious commitments in their public policy making. Looking carefully at both sides of this ongoing debate, Lucinda Peach explores the limitations as well as the value of these conflicting perspectives, and proposes a solution for their reconciliation.

Peach breaks from traditional analysis as she contends that both sides of the argument are fundamentally flawed. Neither side has been willing to recognize the merit of the other's arguments, and both have ignored the gender-based disparities of religious lawmaking (particularly with respect to the effect religion has had on reproductive rights and abortion regulation). Using an interdisciplinary approach, the book argues for a pragmatic solution to this impasse which will respect religious pluralism, moral identity, and gender differences. Peach's proposals will be of interest to philosophers, legal theorists, and scholars in women's studies and political science.

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