

Religion and Politics in an Age of Fracture: John Inazu and Eboo Patel

(The first in a series of three public conversations)

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Marie Griffith, Director of the John C. Danforth Center on Religion and Politics

Good evening everyone. My name is Marie Griffith and I'm the director of the John C. Danforth Center on Religion and Politics here at Washington University in St. Louis and I want to welcome you all here tonight as the center inaugurates our spring discussion series: Religion and Politics in an Age of Fracture. This series has been organized by Professor John Inazu and we're very grateful to him for the work that's gone into putting this together. Tonight's discussion between John Inazu and Eboo Patel, moderated by Adrienne Davis, will be followed by two more over the next couple of months. They'll both be in the same space, at 7 o'clock on subsequent Tuesday evenings. On March 6th, Eboo Patel will engage in discussion with Ken Stern, who is a writer, lawyer, and the former CEO of National Public Radio, and on April 3rd, John Inazu will converse with Emma Green, a prominent religion journalist, who currently writes for *The Atlantic*. We hope you'll all be able to join us at these events as well as this one. Tonight's conversation will be followed by a reception and a book signing by both of our discussants right outside these doors, and you're all very warmly welcome to stay for that and meet them and mingle with each other. Let me just pause to remind you all to please silence your cell phones and any other buzzing devices in your possession here, many thanks.

And without further ado, I want to introduce our speakers for this evening. John Inazu is the Sally D. Danforth Distinguished Professor of Law and Religion, a dual appointment in the Washington University Law School and the Danforth Center on Religion and Politics. His scholarship focuses on the First Amendment freedoms of speech, assembly, and religion, and related questions of legal and political theory. He's the author of two books: *Liberty's Refuge: The Forgotten Freedom of Assembly*, published by Yale in 2012, which seeks to recover the role of assembly in American political and constitutional thought, and *Confident Pluralism: Surviving and Thriving through Deep Difference*, published by the University of Chicago Press in 2016. That book focuses on ways to move through our current divided politics. Professor Inazu is the special editor of a volume on law and theology, published in *Law and Contemporary Problems*, and his articles have appeared in a number of law reviews and specialty journals. He has also written broadly for mainstream audiences, in publications including *USA Today*, the *Los Angeles Times*, and the *Washington Post*. He earned his Ph.D. at the University of North Carolina-Chapel Hill and his J.D. and B.S.E. at Duke University. Prior to coming to the faculty of Wash U, he was a visiting assistant professor at Duke School of Law, and a Royster Fellow at the University of North Carolina at Chapel Hill. He clerked for Judge Roger L. Wollman of the U.S. Court of Appeals for the Eighth Circuit and served for four years as an associate general counsel with the Department of the Air Force at the Pentagon.

Eboo Patel is a leading voice in the movement for interfaith cooperation and the Founder and President of Interfaith Youth Core, a national non-profit working to make interfaith cooperation a social norm. He is the author of *Acts of Faith*, *Sacred Ground*, and *Interfaith Leadership*, all of these books that I've mentioned by both authors, by the way, will be available after the lecture. Named by *U.S. News and World Report* as one of America's best leaders of 2009, Eboo served

on President Obama's inaugural Faith Counsel. He's a regular contributor to the public conversation around religion in America, and a frequent speaker on the topic of religious pluralism. He holds a doctorate in the sociology of religion from Oxford University, where he studied on a Rhodes scholarship. For over 15 years, Eboo has worked with governments, social sector organizations, and college and university campuses to help realize a future where religion is a bridge of cooperation, rather than a barrier of division. Eboo is also an active member of the National Advisory Board for the Danforth Center on Religion and Politics, and some of you were surely in attendance when he last spoke publicly here at the Danforth Dialogues in October 2016, the night before the second presidential debate, hosted by Wash U. We're thrilled to welcome him back as our special guest this semester, as he is serving as a Danforth visiting scholar at the Center, and co-teaching a course with Professor Inazu on religion, politics, and the university.

Our moderator this evening is a highly distinguished scholar and leader in her own right, Adrienne Davis is the William M. Van Cleve Professor of Law and Vice Provost of Washington University in St. Louis. Professor Davis is renowned for her scholarship and teaching on gender and race relations, theories of justice and reparations, feminist legal theory, and law and popular culture. She has written extensively on the gendered and private law dimensions of American slavery and is the co-editor of the book *Privilege Revealed: How Invisible Preference Undermines America*, as well as numerous articles and book chapters. A distinguished lecturer for the Organization of American Historians, Professor Davis directs the Black Sexual Economies Project at this law school's Center for the Interdisciplinary Study of Work and Social Capital. She also founded and runs the Law and Culture Initiative. Professor Davis is the past recipient of a Bellagio Fellowship from the Rockefeller Foundation and two research grants from the Ford Foundation on such topics as black women in labor, and women, slavery, sexuality, and religion. In addition to her research and teaching, she is past chair of the Law and Humanities Section of the Association of American Law Schools and served on the editorial boards of several prestigious journals. Professor Davis clerked for the honorable A. Leon Higginbotham, Jr., U.S. Court of Appeals for the Third Circuit. Please join me now in welcoming to the stage Adrienne Davis, John Inazu, and Eboo Patel. [Applause]

Professor Adrienne Davis

Well, thank you both for allowing me to join you this evening. It's an honor to get to play Oprah to your...

Dr. Eboo Patel

Say it, Dr. Oz, say it, say it.

Professor Adrienne Davis

[laughs] You don't know how badly I want to. So, and I especially want to thank John, my colleague in the law school for putting all this together, it's really wonderful to have you here and to have this opportunity. So, as everyone in this room undoubtedly knows, college campuses are a microcosm of our nation's challenges around issues of, you name it, race, gender, sexual orientation, gender expression, religious diversity... And so for universities, you know, we overwhelming all say that we are committed to all of these principles, all of these values, alongside academic freedom, freedom of expression, but sometimes they clash and we don't always have underlying norms or principles to figure out how to parse them and how to navigate

them. So, I want to start, sign of a law professor, by offering two hypothetical case studies, [laughter] that are not specific to Washington University, but they could be any university. So, case study number one: a student veterans' group wants to screen *American Sniper* on campus, a Muslim student group objects because of the film's depiction of Muslims. What does a Dean of Students do? And I can see some of my colleagues in the audience are sort of saying 'yes, what do we do?' [covering face]. Case study number two: first year Muslim woman student asks to switch roommates because her roommate is a sexually active lesbian, and such activity, even if carried out discreetly, soils the room for the Muslim woman's prayers. Can she switch rooms? So, we are off, and we are running. [Laughter]. So, I suspect most of us have some idea of what religion is, so I want to start by asking each of you: what do you mean by pluralism and what are the challenges that pluralism... what are the opportunities and challenges it offers and how do you approach it in your work? [Gestures to Patel] Do you want to start?

Dr. Eboo Patel

Sure. If you were gonna start with the case studies, I was gonna say John has some great ideas on those. [Laughter].

Professor John Inazu

And I was gonna say I need more facts.

Dr. Eboo Patel

But if you want to start with a theoretical paradigm I'm happy to do that. So, Diana Eck makes this, Professor of Harvard, makes a simple but useful distinction between diversity and pluralism. She says that diversity is just the fact of people of different identities living in close quarters, it's simply descriptive. There's no value judgement involved. That diversity can become any range of things, it could become a civil war, or it could become inspiring cooperation. Pluralism, she says, is the positive engagement of that diversity towards some kind of constructive ends. Right, so that kind of gives a sense of the broad-brush canvas here. The question is, how do we take a situation in which people have different identities and often those are identities, when expressed, that are competing with one another, right? One of my favorite lines in this is diversity is not just the differences you like, right, it's not just samosas and egg rolls. How do we take of that and create pluralism? So, the three-part framework that I find useful is to recognize that, number one, everybody has a right to their identity. Right? A veterans' students group has a right to their identity, and they have a right to define who they are, and they have a right to reasonable expression of that identity. The showing of a film, within any context, particularly a university context, seems to me an absolutely reasonable expression of an identity. A Muslim student group has a right to an identity. They have a right to who they are and they have a right to express their identity and to say that we find these depictions to be racist is a perfectly reasonable expression of an identity. So, what happens when those two things are in conflict? So, the second part of this framework of pluralism is that groups, we should seek to encourage positive relationships between different groups. Relationship does not mean agreement. It does not mean we are going to agree on everything, or even lots of things. It means that we can find somethings to positively do together. Part three of pluralism is some kind of understanding or commitment to some idea of a common good. I derive this from John Courtney Murray, who I read with the terrific students that Professor Inazu and I have in class, where he points out that pluralism means that there are divergent, there are diverse groups and divergent views within a community. And then

he underscores the fact diverse groups, divergent views within a community means that there is a community in the first place. So, that campus, which is the place and entity in which the film is being screened is the community in this case. How do we make sure, how does the Dean of Students make sure, that identities are respected, that relationships are nurtured, and that the campus as a community that can hold together diverse groups and divergent views remains strong?

Professor Adrienne Davis

That makes sense, yeah.

Dr. Eboo Patel

It works in theory, right? It works great [laughs].

Professor Adrienne Davis

[Laughs] Okay, so we'll come back to how it would cash out on the ground, we'll come back to that.

Professor John Inazu

That's good, I like it. I'll take it. But, you're gonna call me John, right? [Gestures to Patel]

Dr. Eboo Patel

I can call you whatever, this is your, your neck of the woods. I'll call you whatever you want to be called.

Professor John Inazu

Unless you want me to call you Professor Patel? You have to, we have to be on the same page here.

Dr. Eboo Patel

Okay, I'll call you John.

Professor John Inazu

So, I think, I actually like a lot of what you said, and I would qualify it in a couple of ways. I think it's not just our different identities that create this challenge of pluralism, but it is the beliefs and actions that flow out of those identities. So, it'd be, maybe a lot easier just to sort of coexist with identities, but when beliefs and actions manifest from identities, that's when we these clashes. And we're talking tonight and here, both actually and descriptively about the university setting, which is very interesting as, as Adrienne said, as a microcosm of society, but also with some unique challenges and unique frameworks around the university, so it'll be interesting as we continue dialoguing to think through what about the existence of identities, beliefs, and actions in the university setting are both opportunities and distinctive challenges, and then the one area where I would raise some questions, and you and I have talked about this before, but, when we get to the aspiration of the common good, I always think of the common good as tied to an ends-oriented goal. Augustine said, 'a community or a people are defined by their common objects of love,' and so, do we, either in the United States, or in St. Louis, or at Washington University, have a cognizable commonly shared object of our love, or are we left

with a more modest sense of a procedural framework in which we are supposed to get along without necessarily naming any particular end or common good, and if so, where does that leave us as a practical, political matter? So, those are some of the questions I think through in relationship both to your theory and my own. The one other thing I'll add is as a legal scholar, I'm always wondering about what role the law plays here, and the law orders society and prevents chaos, but it can also overreach, and control, and coerce, and underneath the law is often a kind of violent coercion, and so as much as we often want to talk about the aspirational sense of getting along, there is a law in the background that is doing some very strong work to make all of that happen.

Professor Adrienne Davis

Well let me actually kind of pick up on two of the things that you just, that you just raised there, raised there John. So, what is the college community, or the campus community then, right? Of course, it varies... Well, let me not even assume that, I was going to say, you know, it varies according to the kind of university that you are, but maybe it doesn't. Right? Maybe there's something that is just common to all universities. So, what is that, that community?

Dr. Eboo Patel

She asked you [points to Inazu].

Professor John Inazu

Yeah... [laughs] And then you'll have to...

Dr. Eboo Patel

Yeah, right.

Professor John Inazu

You can back clean up here. But, I think this is, it's such an important question. People have been asking it for a long time, these questions are going to get more intense, I think in the next 10 to 20 years, as higher ed generally faces increased pressures. And I think, rather than answer it directly, we can start to name a lot of competing pressures that complicate the question, so in a lot of places it's big time athletics, or it's federal research dollars, or it's the instrumental focus to have a "practical business degree," right, or something like that, or it's alumni pressures, or it's state legislatures in some examples, or it's a student body that wants certain sorts of things, and so the university, right, one person called it the multiversity because it's filled with distinctive, and sometimes mutually exclusive, ends-oriented subcommunities and responsive to a lot of pressures. And so, it's, I think, difficult to name the university writ large. We can think about a place like Wash U and so, I come here as an alum of Duke, a huge college basketball fan, but actually really grateful, as a teacher here, that we don't have big time division 1 athletics, because we, it allows us to focus here toward a common purpose, in a way that I think places like Duke have tremendous complications. We have our own problems here, and maybe we can talk about some of those as we go on, but the noise and the competing demands really complicate the question of naming what the community of the university is and there are some places that do it better than others, but I think it's a question that we, we as the people here, ought to be continually asking because unless we can name the community, it's very hard to name our values or what holds us together.

Professor Adrienne Davis

Right, well, let me turn to you, Eboo, but let me also press a little bit even more on that. I think John is correct that given all the pressures on universities, it may be even more imperative now to be able to articulate what those values, what those underlying norms, what those under—the things that distinguish us from, say, corporate America, or the government, or other dominant institutions that also comprise civic life? It might be especially important for us to be able to articulate that.

Dr. Eboo Patel

So, in the seminar we're teaching, we've actually done quite a bit of reading on this, right, I think it's useful to draw on some of that reading and put a little bit more meat on these bones. So, I think the first thing to say, and I'm drawing right now on a book called *College: What it Was, Is, and Should Be* by Andy Delbanco, which was the first book we assigned in our course, where Delbanco says that if you were to name the great achievements of American civilization, the Constitution, jazz, baseball, he said the American system of four-year residential colleges would be easily on that list. Which is a remarkable thing to think about, right, which is to say that the way we do college here, and what our nation and society expects from colleges, by which I mean, just for the moment, our system and network of four-year residential institutions of higher ed, of which there are about 2700 or 2800. There are wonderful things to be said for the system of community colleges, my mom teaches in one of those, but for right now I want to focus on kind of this segment. So, number one, Delbanco points out that outside of the Anglo-American world, England, United States, Canada, Australia, the notion of a residential college that you choose and go away to for four years is virtually unknown. That's really interesting, right, so, we are one of a handful of nations to do that. Okay, so that's one thing.

Number two, the way that our colleges and universities emerged is really interesting. So, private groups, many of them religious denominations, create entities, Harvard, Georgetown, etcetera, that were meant principally to educate the future leaders of their own communities, they're meant as institutions of formation within a particular tradition and community that elevates and educates a particular set of leaders. All of those places now, none of them are narrow parochial schools, they begin in some ways as those, none of them are that now, right? So, in other words, while there is federal legislation that creates a massive university system in terms of the Morrill Land-Grant Act in the 1860s, it's first, you know, the Congregationalists here, the Quakers there, the Catholics here, and, over the course of a handful of centuries, you look up and you're like wow, there's this really rich and diverse ecosystem. Tracing this history tells us something about how the United States views the university system. I'm going to say a couple of other things about this. In other countries, you don't have to have a four-year college degree to become an accountant, you go to an apprenticeship, right? You don't have to have a four-year degree to become a nurse. You can go, you can do reasonable amount of that stuff in a more narrow, technical way. That is not the case here. Why is it that in the United States, we virtually require young people to spend four years of their life within a broader university setting, even if they're going to go do something that is far narrower? It's because we think that there is some civic or citizenship value to this experience, which is to say our nation, our society expects something from this ecosystem. What are the set of things it expects? Well, one of the things it expects, for

example, is social mobility, right, which is why there's all this consternation about elite universities being places where upper middle class and upper-class kids stay upper middle class and upper class. Because, wait a second, if we have a university system which is in part meant as a vehicle of social mobility, is it, in fact, serving that purpose? This variety of expectations, I think, go into this question of what do we mean by college or university, what purpose does it serve, and whose purpose?

Professor John Inazu

We can also even narrow the question a little bit when we're talking about this place, and so I often hear Wash U compared to our peer institutions, and I sometimes wonder what does that mean except the people we gain and lose the most students to, right? But, if we're talking about a competitive space where we're trying to compete with peer institutions, do we have a set of shared aspirations, or is it just trying to outspend the other. So, what makes us similar to our peer institutions and then also, what distinguishes us? And so, there seems to me, there has to be something to the 'in St. Louis' part of the name of this school, in that this is not Washington University in Chicago or in Oakland, but it is in St. Louis and does that matter to the students we bring in and the faculty we bring in and the time that they spend here, or could this be just anywhere else, and if it does matter, how does that articulate who we are and where our priorities lie?

Professor Adrienne Davis

So, I want to begin to back into those case studies that we started with, and I want to invite you both to speculate a little bit more, elaborate a little bit more on some of the, some of the specific infrastructures of colleges that may give rise to both the challenges and the opportunities to think deeply about pluralism, since again, we're a microcosm in some ways.

Professor John Inazu

Yeah, so let me start with one of the unique distinctions about the college environment that I sometimes think gets lost in the debate, the current debate over safe spaces, right, so the idea that, the argument that some people, more on the left, would say the college campus, or parts of the college campus, should be a safe space free of kinds of debates or arguments that might unsettle a person, and then some people on the right say no, that's not an appropriate way to think about college, and I actually think the question's really complicated, and it's complicated because college is a complex space. So, the second hypothetical about the dorm room, right, this is the equivalent of the inner sanctum of your house, right, and so when we think about, back to the safe space analogy, do I want people who disagree with me coming uninvited into my living room? No, right? I want my home, I want a kind of safe space in my existence in society. And we, we actually, almost all, intuitively want those spaces, and so I think we need to think about the complex and multifaceted space of college as a kind of environment where there are places and some common spaces where people should be challenged, and there are more intimate and private spaces where we ought to be doing as much as we can to accommodate differences and to recognize the need for a sort of retreat or withdrawal, and I think this actually becomes even more complicated when you talk about different people demographics, and, you know, if you are existing here, in a demographic that is not the majority, and you're walking around campus all day long, right, having to fit into that, all the more need to find a place where you can have a little rest. So, I think one of the real, real losses to me and the politicized debate about safe

spaces, is we're forgetting that there are real people trying to live real lives here and it's a complex question.

Professor Adrienne Davis

And I want to add just one thing that I think is just, you know, I think really intriguing to note is that, because you know, you said that the left is calling for safe spaces, but of course historically, it was the left on college campuses that called for free speech. So, it's, it's sort of, it has been this, I think, fascinating movement of part of the left, in some part, I think, in response to changing demographics on college campuses. So it's this fascinating thing that I think some of our students aren't necessarily aware of.

Professor John Inazu

And one other complication of that is there are some arguments, more on the right, that argue for stronger associational rights for student groups and those sorts of things, and that actually converges with the safe spaces argument in some really interesting ways.

Professor Adrienne Davis

It's more of a circle. [Laughs].

Dr. Eboo Patel

Right, which you [points to Inazu] made very well in an article you wrote not long ago, that analysis. Yeah, so, I'm gonna do three quick moves. Number one, what's, what makes colleges unique and special in these examples? So, one, it, colleges deliberately bring people from a wide variety of identities together and that is part of how they report out to the world. Right, they say to the world, hey this is a special place because we bring people from a range of identities together and if you don't believe us, look at our marketing material, look at all the smiley, happy faces, right? Number two, colleges say that we will respect those individual and associational identities, look at all of our student groups. Number three, we build bridges between them, look at all the diverse, shiny, happy faces in the brochure talking to each other. Right, so you can have your own group, but you'll be talking to each other. Do you like my talking to thing [gestures with hands]? And finally, we actually want students to play a leadership role in this. So, all of this is developmental, right? And part of the idea is that these young people are gonna be in government, are gonna be building companies, are gonna be on PTAs, they're gonna be running schools, and so if they can work it out at Wash U, this is practice for the public. Okay? Okay, so move number two, so I'm at a university in Texas which will remain nameless, I'm, you know, having interfaith conversations there with students, which is what I do in my day job at Interfaith Youth Core, and I find out that a Muslim girl, her roommate got out of being this girl's roommate not long after finding out that she was Muslim, she didn't cover [gestures over hair], she was light-skinned, she's not like super ritualistically observant, so it's not something you would notice right away, it kind of comes out a few weeks later, in part because this poor girl was probably scared of revealing her whole identity in this environment, to be very honest with you, and then it just happens a couple weeks later that her roommate decides... She just moves out one day. So, this girl sees her, she's like 'what happened?' and she's like 'well, you know, decided that we... just didn't really click...'

Professor Adrienne Davis

So, I'm sorry, which one moved out? I'm just...

Dr. Eboo Patel

The other girl, the other girl, not the Muslim girl

Professor Adrienne Davis

Not the Muslim girl, the non-Muslim?

Dr. Eboo Patel

Right, and I hear that and I'm livid, right? Imagine being this Muslim girl, and like this other girl finds out like three weeks in that you're Muslim and tells the residence life staff 'it's just not gonna click.' Right, and imagine being that Muslim girl. I hear, at this same university, that it is not uncommon that when parents drop their kids off at school for first year, if they realize that the roommate is of a different race, they will make a phone call to the administration offices and seek a roommate change, by the way, this is not super uncommon period. And not infrequently, the person who fields that phone call is a black student who is listening to a parent say 'I don't want my kid rooming with a black student.' I'm like hitting the roof. This is real life ridiculousness, right? Okay, move number three, if that is the case, and it is the case, okay, it happens. Is this situation of the Muslim girl who seeks a roommate change because of the sexual activity of a lesbian roommate more like these situations, or more like something else?

Professor Adrienne Davis

Well, and I want to press more on that. You're actually remind me of something I haven't thought of in 30 years, which is when I started my freshman year at Yale, there was supposed to be six of us in the suite, and only five of us came because the sixth one, I never met her and I'm not sure if it was her or her parents, but they said 'this is contrary to our faith,' and I don't even think they ever even met the other five of us. Right, we were a very diverse, eclectic group of young women, but they—the norm at Yale is all freshman are supposed to live on campus, residential college experience, but they were able to get an exception to live off campus. And I remember it was a topic of conversation among the other five of us, the sense of, you know, we weren't given a chance, I mean, yes, we probably were fairly hateful, but, you know, but at first you could've gotten to know us before you knew that we were, you know, that we were unpleasant and everything else. So, you're just reminding me of that, but again, I wasn't sure—part of what I think is important here is I'm not sure if it was her or her parents, and this goes to, you know, part, to me, of the college experience, the four-year residential college experience, as opposed to the community college experience or many other college experiences, is that, you know, we want parents in some way to let go, to let their children come here and explore and make some decisions for themselves about who they want to be, leaders in the world, whether they're leaders of their PTA, or leaders of their corporation, and I worry a little bit, sometimes, when the parental community enforcement of identity prevents the student from coming, and perhaps, on their own, deciding to reaffirm that identity and the behaviors and acts that go along with it or... but again, what's the pluralistic response to it?

Dr. Eboo Patel

So that, to John's point, that's what makes this—that's one of the things that makes colleges an especially challenging space, right? And interestingly enough, parents pay the tuition dollars,

oftentimes, students get to make many of the identity decisions, but that's not the norm in other countries. In many other countries, parents drop kids off, and they look at the college administrator and they're like 'our son comes from four generations of Qur'an reciters, we expect his Qur'anic pronunciation to improve in his four years here,' and the college administrator, in part, views that as his or her responsibility, right? That is a definition of identity. It is an ancestral definition of identity, which I think is totally legit, that's not the way we do this in the United States. I do want to just say one or two things about this, so is the example of a Muslim female student saying 'this type of sexual activity makes this—spoils this room for prayer,' is that different than a student from a well-to-do neighborhood outside of Houston saying 'I can't room with a Muslim girl,' right, is it different? I think it is, but it's still complicated. Is the—is it legitimate for a Muslim student to say 'here's what I need to pray?' I think that that is—I think that that's legitimate, right? It probably—it's bounded, it's limited, but to say...

Professor Adrienne Davis

And say more, is it because it's about religion, it's about prayer, and religion being a different kind of identity?

Dr. Eboo Patel

I mean, different Muslims would have—so, observant Muslims pray five times a day and, for example, for observant Muslims—for a certain type of observant Muslim the presence of a dog cancels your prayer, right, you do ritual washing before prayer, you—and there just has to be kind of a sense of sacredness, right, because you pray five times a day, you'll see Muslims like drop and pray on a rug in a parking lot, right. In your room, you probably want some kind of radiating energy of what you would call sacredness, right. So, does that Muslim student have that, in the framework of pluralism, have the ability to affirm that identity and to say 'here's how I express it' within reasonable limits, right? I think the answer to that is yes. Is it reasonable to say that sexual activity in the dorm room is a concern, is a profaneness against this space? I think the answer to that is also yes. Is it legitimate to say that type of sexual activity A, is illegit, but if it was B, it's okay? I think that that's more problematic. And so, this is where I think being a dean of students is actually hyper complicated, which is you have to sift through these things, it's not the more—it's the highly personal space of the dean of students' office, not the more clinical space, if you will, of the courtroom, right? Like you're dealing with how that student feels in the conversation with you matters a great deal. I'm not sure if a typical judge cares about how the advocate feels when he or she is telling the story.

Professor Adrienne Davis

So, I want to ask you a quick follow up, and then I want to bring John into the case study as well. So, presumably, this framework would apply not only to the very observant Muslim young woman, but also to observant people of all faiths, the fundamentalist Christian, the observant Jewish student, all of them would sort of—many, not all, but many faiths would, might find that to be offensive to core values, not all, but many would. So, it's not specific to...

Dr. Eboo Patel

And I think that doing the thought experiment of what if this was an evangelical Christian student, what makes it different? I think the first question is do your initial sympathies change? Are you instinctively—do you

Professor Adrienne Davis

That's why I brought it up.

Dr. Eboo Patel

Right, I think that's an interesting question, right? I think a second interesting question is: is there a notion of we pray in this way and this—there's a whole range of things which would affect the sacredness of the space, right, that seems reasonable in a different religious community? I think that, right, so that's an interesting question also. I think a big thing here is does either student feel like they are being marginalized in this process? I don't think that's the only thing at stake, but I think that is one of the things at stake. I don't want the lesbian roommate to think 'I can't be who I am.' She gets to be who she is. Right? And the Muslim girl gets to be who she is, and there are times when that is not gonna work in a roommate situation. Do you want to set a—how much precedent do you want to set in this?

Professor Adrienne Davis

Okay, I'm gonna complicate the hypothetical, and then I'm, now that I'm complicating it, John, I'm gonna toss it over to you. And you and I may have talked about this one before. John knows that I used to—I spent many years teaching in the deep South, not just in North Carolina, where we both spent time, but in Alabama and I loved it so much, teaching in Alabama, that I went back and did a second tour there, because the students were fundamentally different than anyone I'd ever taught before, fundamentally different from who I am as a person and as a scholar, and I learned more from them than I've ever learned from any other student body. So, I just deeply cherished it, but one of the things that was challenging for me, was I was teaching trusts and estates, which is all about wills and what happens, you know, when you die and who you've had sex with, and all that kind of stuff. And, the, I mean that's what it's about, it's an Aaron Spelling show, it really is, [laughter] and one of the challenges that I experienced was when I would talk about estate planning, and there are all these units in the course about specifically estate planning for same sex couples, which was big back then, a big part of the profession, and the students would raise their hands and they would say, you know, frankly, Professor Davis, what you're talking about, you know, your discussion of, as they said homosexuals, offends our faith. And I was really challenged by it. You know, I was really challenged by it because it raised, again, these sort of competing principles, and I wanted to respect where they were coming from, I had not, in the past, had students raise that as a framework in a classroom before, but I also felt some sense of obligation to also make the classroom welcoming and inclusive of whatever students there might have had—might not have had normative, straight orientations, as well. So, I struggled with it. So, having complicated the hypothetical even more with a group of students who—of more conservative religious students who, in that context, were the majority, but I bring that up because at Washington University, those very religious students would probably be more in the minority, right, in many ways and wouldn't feel as comfortable here. So having complicated now the hypothetical, John, what do you say?

Professor John Inazu

[Laughs] Right. Well, I mean, I do think it is important to name the geography differences, right, it is a very different experience at the University of Alabama than at Washington University, and that might matter. You also complicated it by moving it to the classroom, which is yet another space on campus which has a distinct purpose, and maybe, I think in a lot of ways, a place where we ought to be most challenged and most open to challenge. So, if we are going to talk about the aspirational sense of the university as intelligibly warring creeds, for example, if not in the classroom, as a place, a site, of that happening, then where would it happen? So, that might matter. I also think, both in your adjusted hypo and what Eboo was talking about earlier, to recognize and name that because of the fact of pluralism, there is going to be harm, right, there is not a happy ending to this, somebody is going to be hurt. And whatever decision is reached, there is going to be someone who feels left less than whole, that's true also, society at large. And maybe one small step we could all start taking, whether here or in society at large, is to recognize the harm on the other side. Can we be empathetic to say even if we win, what are the costs to the other person? And I think we don't do that enough. So, the harm point there. And then another point...

Professor Adrienne Davis

Let me just say really quickly, and I wish I could remember who coined this phrase, maybe it was one of you, but some people have been saying inhabit the critical pause for a moment, so when we're faced with these conflicts, instead of sort of thinking them through and then rendering the judgement, that we pause for a moment and we honor the person who we are not siding with, and we say 'I understand that this is causing, you know, fundamental injury and that you're feeling unwelcome, and I want to honor that, even if I can't actualize your request, I do want to honor the fact that you're a member of this community and you're going to be hurt by the outcome here.' So, that critical pause.

Professor John Inazu

And can we do, can we do more than honor, and actually move toward empathy. So, the best lawyers are going to be the ones who, as much as possible, understand the other argument that they're trying to defeat, and understanding takes the kind of empathy to that.

Dr. Eboo Patel

I think it's, I think it's harder to be the dean of students, in this case, than the lawyer or the judge. And the reason is because both students are still on your campus, right, so you're not like judgement rendered, you know, whatever it is written, the judgement's written and next case. But, the person—both people still exist in the community, the rumor mill is working, right, somebody—they're both less than whole, somebody is a little less, left a little less than the other one, they are part of student groups, maybe the lesbian wasn't out, right? Maybe this is like one of three Muslim girls on campus and it's been like, she's been like deeply, deeply wrought about this for three or four months, and every night she's gone to bed thinking to herself 'I am violating my faith, but I want to be nice to this person and I don't really feel like telling a lot of people I'm Muslim on this campus.' Right, like there's, and if you're a dean of students, you are concerned with their wellbeing, the groups that they are a part of, the conversations that are happening on Yik Yak, the nature of the campus community, right? Like, there's a lot that goes into—it's not a thought exercise in empathy, it's like...

Professor Adrienne Davis

It's real. And I want to really reinforce something that's, I think, implicit in what you're saying, which is another piece of, I think, the distinct challenges on college campuses. We're doing our best to get the students out, the undergraduates out in four years, right? Law students, we're doing our best to get them out in three years, M.B.A, two years, I mean, we're—the whole goal here is to turn over the entire community for undergraduates every four years, and that's not the case with most other institutions and organizations in the country, right? If I'm Google, or if I'm the United States government, I'm trying to keep my best employees, right? And so over time, I mean, John, how long have you and I been colleagues? It feels like forever.

Professor John Inazu

Seven.

Professor Adrienne Davis

[Laughs] and he can account for every day. But, over time, even though John and I share a lot in common, we also have real, real differences, but over time, we've really built trust, right? And a kind of trust after seven years that we wouldn't have had after two years, right? And so the built-in turnover of this enterprise means that you're constantly working with people who are new to each other, and you're—every year you get in a new batch and you're working on building trust, and that's not characteristic of most other institutions in the country.

Professor John Inazu

And another, another complication of that is that with students, they're, this goes to something Eboo said a minute ago about training people to do this, so this is a big training ground and there are pedagogical purposes to the relationships we have on campus and I worry that we are increasingly not allowing the space for failure in these sorts of things, right? So we've—we are quick to punish and quick to shame and slow at what redemption might look like, or what learning might look like. And also, back to the fundamental purpose question, and we might not always know what failure is if we can't name the baseline, so it might just be a kind of lived graciousness as we stumble and muddle through some of these conflicts.

Professor Adrienne Davis

I want to spend a little bit more time with that other hypothetical about the student veterans' group and the Muslim students, or it could be the student veteran groups and it could be, you know, I don't know, a Quaker student group that doesn't believe in showing things about violence, I don't know, but I want to talk a little bit more about that one, because I don't think we talk enough about veteran student groups on our campus.

Dr. Eboo Patel

So, I think what you do here is easier, right? So, the actual answer is easier, but the how you go about it and what you pay attention to has complications. So, number one, the veteran student group has every right to show their film, and they should, right? And the Muslim students' association ought to respond to it in a range of things, you could have, you could work with the veterans' student group on a panel after the film, right, in my mind that's the best thing because that accomplishes identity relationship, common good, the Muslim students' association could actually choose to—we are not going to go to the film, and in that kind of silent protest or

boycott, we are going to make our identity felt, but we are going to be a part of a panel discussion afterward on, right? In this case, I think context matters a great deal.

Professor Adrienne Davis

Do they have a right to protest the event so that people coming in feel...?

Dr. Eboo Patel

Yes, they absolutely have a right to protest it. Do they have a right to shut it down? I think the answer to that is no, right?

Professor Adrienne Davis

So what's the fine line between disrupting and shutting down?

Dr. Eboo Patel

If it can't go on, that's shutting down, right? If they're protesting to articulate an alternative point of view, I think that that's absolutely legit. If there's groups of students like popping up in the middle of the movie, throughout it, I think that that is disruption towards shutting down and I think that that should be dealt with gently, but clearly, which I think brings up actually a second interesting issue which is in the case of a college campus, is the administration the "state?" Right, it doesn't have police powers, but it does have other very significant powers, like you're expelled, right. So is that an analogy to make? Let me just say...

Professor Adrienne Davis

And we do have police powers, we have police.

Professor John Inazu

We have police.

Dr. Eboo Patel

But there's a point in which you call the St. Louis police in, right? So, I don't want to make a direct analogy to the state, right? But maybe there is. Let me just say one other thing about—I think it matters a great deal.

Professor Adrienne Davis

Is our police chief here? No.

Dr. Eboo Patel

I think it matters a great deal if we're talking about Oberlin or the University of Tampa, right?

Professor Adrienne Davis

Okay, tell me more why. I don't know enough about University of Tampa.

Dr. Eboo Patel

So, University of Tampa... I was there, I don't know, ten years ago, and I, like three o'clock in the afternoon, I felt like the whole university was in camouflage on the quad. Because there's

like a thousand kids in ROTC, is what it felt like, right? So, there's like—and that's just one, there's lots of young people in the military there, right? So, if you're one of, I don't know, fifteen Muslim students at the University of Tampa, and if I'm the dean of students, the veterans get to show their film, but I'm letting you know that I got you, right? Like you have a lot of love for me and I'm gonna spend a lot of time with you, and we're gonna talk about ways that you can make your voice heard on this, that are useful and that the day after, you wake up and think to yourself 'my life isn't significantly harder,' right. If it's Oberlin, and even if there's only a dozen Muslims on campus, but you're—those Muslims are a preferred minority, within a lefty culture in the Trump era, and then there's like...

Professor Adrienne Davis

And then you're having that conversation with the veterans of...

Dr. Eboo Patel

There's like three veterans and they're like, you know, 'nobody even knows we exist, and they could give a rat's tush about our experience,' it's shifted, right? Again, the way the judgement is rendered is the same, but a dean of students has a set of soft-touch, whole-self, whole-community functions that a typical judge does not.

Professor Adrienne Davis

John, do you agree?

Professor John Inazu

Well, I like the point about connectedness to community, right, I think one of the challenges and problems with the legal system at large is the detachment of both law enforcement and judges from actual communities that depersonalizes and sterilizes this in the ways that a dean of students might not have the opportunity to pursue. I was also thinking, as Eboo was talking, though, that we don't, in real life, we seldom have *the* veterans' group or *the* Muslim students as kind of a monolithic entity, but within those groups we have diverse people with differing viewpoints, and so I was—you know, I'm a veteran, and veterans are deeply split on something like the National Anthem controversy right now, right? And so, it'd be very difficult to assume the veterans' group and assume a particular belief that flows out of that identity, and I think that, too often, we're quick to say 'group x must think this,' right, or 'group y stands for this,' when really, the complex individuals within those groups who are shaped by overlapping spheres of influence and overlapping identities might come out very differently on some issues and taking the time to figure that out, which is just one more challenge for the dean of students, we're really giving this person a lot of responsibility here.

Professor Adrienne Davis

Well that's, and I think, John, I think that's another point that can be arguably distinctive about college campuses, because the meaning and values of these groups shifts from year to year depending on who the presidents are. And so as administrators, we're frequently negotiating, supporting whoever the leadership is of the group, and there can be other students in the group who, you know, will come and say other things, but, you know, typically I think—defer to my colleagues in student affairs, but I'm willing to do 180 degrees with the varied student groups from year to year, because the presidents shift their views, but I'm, you know, I try to respect

their own internal structure of you elected this person, this is the person you've, you know, identified as your public spokesperson so, unless you decide to somehow articulate publicly that there's disagreement, this person says the veterans' students group wants to show *American Sniper*, you know, I'm not gonna then go in and say 'take a poll and say how many of you actually agree with this,' right?

Dr. Eboo Patel

In this scenario, this actually has happened at some—it was in the Chronicle of Higher—I'm not smart enough to come up with these on my own, this was straight out of the Chronicle of Higher Ed, so, this is, it doesn't mean that every Muslim student feels this way, right, but the Muslim Students Association as an entity has come out at ABC and the veterans' group as an entity has come out at XYZ.

Professor Adrienne Davis

So, let's continue to complicate this. What role has social media played in all...?

Dr. Eboo Patel

Anybody wanna be a dean of students, by the way?

Professor Adrienne Davis

[Laughs] If you do, I've got some colleagues you can speak to. How is social media complication all of this? Is it helping or is it making it harder? I'll start with you, John.

Professor John Inazu

Yeah, I mean I'm becoming increasingly pessimistic about social media and the more I spend thinking about it and talking about it, the more pessimistic I am. I mean, one of the just the concrete implications it has for any group of people trying to be a community is that it's constantly tearing at whatever unifying themes and aspects you're trying to create. So, I was just recently, about a week ago, speaking at a college, and the college has about a thousand students, and it's literally located on the top of a mountain, right? And nobody goes up to the mountain except to see the college, and there's 70 faculty that hang out with the students, and some of them were saying, you know, here we can work on having...

Professor Adrienne Davis

Is this Pepperdine?

Professor John Inazu

No it's not, but that would be the one by the ocean, right? Very similar. But here we can work on having a community because we're just here 24/7 with each other, and my first thought was 'no, you're not,' because your students, on social media are living different lives, you know, for most of their waking hours and whatever vibe you're trying to create with the community is being challenged by all kinds of ways you don't even know about, right. And so, the challenge of cohesive, collective identity that comes from social media, and then I think a lot of it so quickly reinforces some of the challenges we've named, right? The tendency to assume sort of a homogenous group identity to every single person, right, to caricature the tendency to reinforce our own echo chambers, I mean we could go on and on, I won't, but it's a challenge and I think

another challenge related to one of the principles that I try to articulate in my own work is to the extent that this project of trying to live with each other, requires a degree of patience social media seems to cut in exactly the opposite direction.

Professor Adrienne Davis

That's true.

Professor John Inazu

And so how do we work on a practice that leads to patient relating with each other when the impulses of social media are to respond as quickly as we can and...

Dr. Eboo Patel

With our worst self.

Professor John Inazu

With our worst self.

Professor Adrienne Davis

With our worst self. What do you think, Eboo?

Dr. Eboo Patel

I mean, I remember thinking to myself in fifth grade, like that I was like kinda this bad underground kid because I was watching Run-DMC on MTV and my parents didn't know. [Laughs] right? And I'm like... There's a bunch of twenty-year-olds who don't think that's funny in here, because they have no idea who Run-DMC or what MTV is.

Professor Adrienne Davis

They don't know what MTV is.

Dr. Eboo Patel

That's right. And I have a ten-year-old now and every time [laughs] every time like, I don't know, some toothpaste commercial comes on with two people kissing, he's like 'dad, I know things, you know, I know things.' And I'm like 'you're ten,' and then I'm like 'you have an iPad,' right? You know, like who knows what you know, right? Like I don't want to, you know?

Professor Adrienne Davis

Yeah, check the search history, yeah.

Dr. Eboo Patel

Oh my gosh. And that's, look there's a part of that that, like imagine being, you know, like a kid outside of the norm in a place in which the norm is really strong and like, being able to find your crew on social media. Man, that's great, right, like I think that that's great. And then on the other hand, I just think everything that you [points to Inazu] said is exactly right and there's this concept in Islam called, we all have, in Islam, what's known in Islam as our *nafs* or our lower self, right, and Dorothy Day has this great line: 'how do you build spaces where it is easier for people to be good' and I feel like social media is a place that's like 'hey, bring your *nafs*, bring your lower self,' right, it is easier to be bad.

Professor Adrienne Davis

So, let me—and I want to go to the audience very quickly, but I want to press on that because, you know, I'm old, so, the only social media I'm meaningfully on are Twitter and Facebook, you know, I don't do any of the other stuff.

Professor John Inazu

Snapchat?

Professor Adrienne Davis

I don't do that. [Laughs] oh my gosh, can you imagine? But, I—part of the reason I actually like Facebook is, you know, overwhelmingly my friends, you know, my real—what do you call real people versus virtual friends, right, you know, like, my in-person friends, and, you know, overwhelmingly they're a lot like me, but when I'm trying to figure something out politically or when things are going down, I can go to Facebook and I can go to the pages of my friends who don't agree with me, right, and I know who they are, you know, depending on what the topic is, and I can try to figure out—I can look at them to say 'what's an intelligent perspective that I disagree with,' you know? A lot of times I'm going now to my, you know, my libertarian friends a lot to try to say 'okay, you know, State of the Union. I know what I think, I know what people like me think, but let me go to some my libertarian friends' Facebook pages and see what they're saying,' whereas I probably wouldn't pick up the phone and call them, right? And I just wonder if there's some way that we could try to encourage our students or encourage folks to build in a practice of using social media to engage with difference and to engage with disagreement. Would that—would there be some concept of the higher half or something, the opposite of the...

Dr. Eboo Patel

Yeah, well this is why, in Islam, it's called a *jihad al-naafs*, which is the war against your lower self, right, to elevate oneself.

Professor Adrienne Davis

Okay, is that possible to try to encourage people to use social media or is that just not going to work because people are bringing their worst selves to...?

Dr. Eboo Patel

No, I think the way—so you, in this example, you are choosing how you use a tool, right? The tool is not using you, I mean the example that Jonathan Haidt uses in his book *The Righteous Mind* is an elephant and a rider, and the question is: is the rider directing the elephant or is the elephant directing the rider? This is actually from Thich Nhat Hanh, uses it in *Living Buddha, Living Christ* and he says that the way we use technology today is like being on a horse and saying to the horse 'where do you want to go?' like, you go, right, which, I mean, I'm glad I grew up in the twentieth century because I didn't grow up with this stuff, so I come to it a relatively formed person and decide how I want to use it.

Professor Adrienne Davis

Right. You're not being controlled by algorithms.

Dr. Eboo Patel

Right, not right now, but, I mean, I think that these issues of—in a world of unlimited choice where a lot of it is relatively easy access, personal discipline becomes hugely important, it becomes hugely important.

Professor Adrienne Davis

I agree. And—

Professor John Inazu

I think one sort of modest tweak that we can do on social media, and I'm thinking here of Twitter, is to filter, kind of like you said, a practice that allows people who disagree with us in both directions to comment on news stories and those sorts of things, so we can kind of do an instant check of how we're receiving it and how other people are receiving it, so I have this sort of, I follow directly people left and right of me who I disagree with and then I also have this sort of, not really secret, but the people I can't really stand to listen to with any frequency, but I know I have to check in every once in a while over here, just to kind of see how bonkers they're viewing things, both left and right, and the amalgam of that is really helpful to situate, especially kind of national or very polarizing events, because I can realize there are complexities that I am often not seeing, but the challenge is: how do you limit that into its proper place, why is it that I'm not just checking in once a day or whatever the healthy practice would be but why do I feel the need to be constantly in the know, and then sometimes to insert myself into certain conversations? And so, one of the, I think, challenging byproducts of social media is we all start to think we're more important than we are, right, and that's probably not a good thing.

Professor Adrienne Davis

Well, I like that as a compelling practice and one that we could actively encourage students to do, to come up with a map of who would be in this list, who would be in this list, and who would be over here that you should check in with on occasion, even though... So, any final thoughts that you two want to share before we engage our colleagues here?

Professor John Inazu

I would just say I'm glad that you're part of this conversation, Adrienne, because one of the things I've really appreciated about you and your leadership here is you are pushing these ideas in a holistic way, I mean you care about this, you live it, but you really want to see it happen on this campus, and in ways that are both familiar and unfamiliar. So, I'm grateful for you and others here who are doing that.

Professor Adrienne Davis

Thank you. Well, a lot of the folks thank you for that John, I appreciate it and it means a lot coming from you, because you know I love you—in fact, there was one time John and I were having a mild disagreement about something and I said 'I believe someone made a point about confident pluralism once that I thought was really smart.' So, I appreciate that. Eboo, any final thoughts before we go to the...

Dr. Eboo Patel

I appreciate you, too and I don't want that to go unsaid. My favorite recent line on this is 'diversity work isn't rocket science, it's harder.'

Professor Adrienne Davis

My mother, the chemist, would love to hear that. So, [points to audience] questions from the audience, and we've got a couple folks... Marie?

Marie Griffith, Director of the John C. Danforth Center on Religion and Politics

I don't usually do this, but I have to just ask you all one quick thing, I'm sorry. So, the assumption throughout, when you were talking about sort of religious values, seemed to be that the religious values are sort of on the more conservative side, right, so it's the religious person who's objecting to behavior, you know, whether it's the Muslim or the Evangelical Christian, and I guess, I know you have both thought about this a lot, that, you know, there's also the progressive religious side, it's not just that the progressive values are always secular and they're sort of against the religious, but that, you know, a sort of position for, say LGBTQ rights, or whatever, can be a deeply felt and deeply articulated as a religious value. And I know you've both thought about that and I just wondered how you could sort of bring that into the conversation, too. That those, you know, are also religious stances that can't be just sort of shoved off there as if that's the lefty, secular kind of perspective, right? So...

Dr. Eboo Patel

So, that's really interesting, right? It is entirely plausible that the Muslim student in question is very in favor of LGBT civil rights and believes in a sense of prayer, not out of any discrimination against LGBTQ folks, that sexual activity in her room, of any sort, spoils the space for prayer. And so, the way that it is heard by the broader society, for all kinds of reasons, is 'you don't want to live with a lesbian.' Right? And this Muslim girl is like 'I'm on the quad in gay pride stuff and an LGBTQ marriage, right, I can't have this in the room when I'm praying.' It could also be the case that another roommate in another situation is like 'look, I have a Muslim roommate who's waking up at 4:40 AM for Fajr prayer, I am a strong believer in religious freedom, I can't wake up at 4:40 every day...'

Professor Adrienne Davis

Since I just went to bed ninety minutes ago.

Dr. Eboo Patel

Could be, right? But there's—because the weight of sexual activity and a religious objection has—it registers a certain note in our society, as opposed to the note that is registered by 'I can't wake up at 4:40,' but I think the point that's being made is it is entirely plausible, right, entirely plausible that you can be in favor of civil rights, not just in the theoretical way, right? I will be at your wedding, I can't have you do this in my prayer space.

Professor Adrienne Davis

I want to give an example maybe of what Marie is talking about, a concrete one that's been on my mind a lot. My four-year-old nephew goes to one of the big Quaker schools in Philadelphia and so, four years old, and so, for Martin Luther King Day this year, his class of four-year olds, they all went and staged peaceful protests all around the school, I think it was probably the lower school, I don't think they went to the upper school, and I thought 'how, with my own politics, how wonderful that part of that Quaker faith, right, is that protests position in favor of justice.' So, I think you're right, we shouldn't sort of fall for the religious view always lines up with the conservative political view, because it could also be that the religious view is the view saying, you know, 'we stand for peaceful protest,' right, 'we stand for nonviolent action, Thich Nhat Hanh, Martin Luther King, Gandhi,' right? I mean, all religious figures too.

Professor John Inazu

And it also, the context of the place matters, as we've said before. It's not that hard to be the Christian group at the University of Alabama, the conservative Christian group, right, because that's the baseline of the culture there, and it might be harder in other places. And so the particular challenges to particular groups along an entire spectrum will, I think, always be contingent based on what the broader context is, and that's where the greatest challenge is to expressive and other rights always come when people find themselves in a discreet minority, relative to whatever the majority position is.

Professor Adrienne Davis

Sir in the back, you still have your hand up.

Audience Question 1

Thank you very much for your thoughtful presentation about the conflict on campuses, I'd like to extend the setting to the commercial world and we're all familiar with the case that's pending before the Supreme Court at this time involving the bakery who didn't want to bake a cake for a gay couple. What is your view on resolution of conflicts of that nature and you might, as a footnote, tell us how you think the Supreme Court's gonna decide the case?

Professor John Inazu

Wow, that's a not—a complicated question. Adrienne, why don't you...

Professor Adrienne Davis

I don't teach constitutional law, I teach, I talk, I research wills. So, you take that...

Professor John Inazu

I mean, it's a great question, it's a great case, I think if there's one takeaway that I would have for this particular case and the context of this discussion, it would be to underscore a point I made earlier, which is let's start with empathy. So, the thing that drives me the craziest about discussions I hear about this case are when either side of the issue just assumes there's no credible interest on the other side, right, there are interests on both sides, people are being hurt on both sides, and can we start there, with sort of a sense of charity about it? Now, the actual facts of this case are, I think, legally complicated, so there's the free speech question of whether this cake itself is art, which turns out to be maybe a more complex question in other settings rather than this one, where there's some factual discrepancy about the extent to which this cake is not

art. But, I suppose whatever your priors are about this issue, just recognize that I think it's going to be hard, in either direction, to figure out what the limit principle is. So, if you think that the cake baker should be able to deny the cake to the couple, then what about the owner of the bed and breakfast who says 'sorry, my religious objections won't let me rent you a room,' or the owner of the Marriott who says 'you can't be here,' right? You have to answer those questions if you're sympathetic to the baker, if you're unsympathetic to the baker, then what about the wedding singer who performs songs for her livelihood and is asked to sing a performative song at the wedding and says 'I can't do that because of my faith.' And so, I think there are going to be hard questions in both directions, the case is legally complicated, I think it got even more complicated after the oral argument where the justices signaled possible openness to other doctrines that are introduced into the record by amicus briefs, and so, what happens in this case, I don't know. It's going to—we'll see in June and we'll see what Justice Kennedy says, which is what this case is gonna come down to.

Professor Adrienne Davis

Do you want to add anything to that?

Dr. Eboo Patel

The one thing that I would say is, you know, because I tend to run with social progressives, they're not sympathetic to the baker, right? And their quick take on this is: why should somebody's religious identity overrule somebody else's civil rights? And that—there's a dimension of this which makes sense to me, right, and so, I think an interesting question is: is religious identity special? Could the baker have invoked a different identity and said 'because I am X, I will not do this for you?'

Professor Adrienne Davis

Or an interracial couple. I don't want to bake cakes for interracial couples.

Dr. Eboo Patel

Well, but that's an identity on the other side, I'm saying could the baker—the only reason that this is before the Supreme Court, it seems to me, is because the baker is claiming a religious identity. So, what is it that makes religious identity special? So, a lot of that is that it's in the Constitution, some of it is that it's legislated through RFRA, some of it is that it's part of the history of the United States in a very, very special way. So, one of things I like to say to my more progressive friends about this is if you have no sympathy towards the Christian baker, who I think is wrong, but I have sympathy, right? I have—I understand... Wrong is too strong, I disagree with him, I think he should lose, okay? But, then I have to answer the question: Should Muhammad Ali have won at the Supreme Court in 1969 and 1970 and been granted, effectively, a religious exemption from participating in the Vietnam War?

Professor Adrienne Davis

But I think, so I want to—can I follow up on that, so I am going back to the interracial couple because, of course, a lot of that was rooted in religious beliefs, and that's—I do hear you, I really want to reinforce that I'm hearing you, but it is—it's hard to say to, excuse my own people as an example, it's hard to say to African Americans, you know, not only should your civil rights be vindicated, but you should have sympathy for the people who are using the Bible to enslave you

or the people who want to bar you from marriage, or want to keep you out of their schools. It's one thing to say don't hate them, and certainly Dr. King preached the doctrine of love, but it's—I will say this, I think it takes a real toll on people's soul to constantly be extending sympathy and grace to people who are actively hating you and trying to soul-murder you. It's not top say that we shouldn't do it, but I also think we have to take seriously some of the mental trauma that that can cause people to constantly be trying to be—embracing people who are trying to exterminate you. Literally.

Dr. Eboo Patel

I hear that.

Professor Adrienne Davis

Right.

Dr. Eboo Patel

So, let's make this even more hard.

Professor Adrienne Davis

Let's do it. [Laughs] because it's not hard enough.

Dr. Eboo Patel

Right. So, the baker is black.

Professor Adrienne Davis

Oh, yeah.

Dr. Eboo Patel

What do you do? So, by the way, I, you know, played a very baby role in the Obama administration on the first Faith Council, but enough of a role to be privy to one of the reasons the administration moved more slowly than many of its backers wanted it to on the question of gay marriage, was because of the concern of theological conservatism within the African American Christian community, okay? So...

Professor Adrienne Davis

There's a reason I don't go to church.

Dr. Eboo Patel

But, does that give you—if the baker was black, would that give you more sympathy towards the baker in this case?

Professor Adrienne Davis

Me personally? No, but then that's something I came to terms with when I was fifteen years old, so...

Professor John Inazu

But, let me actually, on your rhetoric, Adrienne, push a little bit because the ‘people who want to exterminate you’ language, that’s powerful language, right, and given that there are literally people out there now who want to exterminate other people, maybe we should save some of that language for those people, and not assume that every conflict, however hard it is going to be, is at the ‘let’s exterminate you.’

Professor Adrienne Davis

No, I was talking historically, not futuristically.

Professor John Inazu

But many people quickly conflate that rhetoric, right, on the issue of the day or the particular clash and I think that’s actually doing, if we’re constantly lobbying those kinds of labels in the direction of the people who we disagree with, even on fundamental and important questions, we’re gonna run out of ammunition when we really need it, for the people who are still out there trying to exterminate us.

Professor Adrienne Davis

I know, but I was really trying to push on Eboo’s point, so I’m not just talking about the person who you disagree with, right, the people whose Facebook pages I go to, I’m talking about people who, you know, lynched my family. They were trying to actually murder us, and so I’m really trying to push on the point because that is part of that, the, you know I’m not a religious scholar, a theologian the way that you all are, but that is, you know, part of that radical sort of theology of extending love and I’m not saying we shouldn’t do it, I’m only saying that we also should honor the toll that that can take on people who are asked to extend that grace to people who, you know, you lynched my uncle or, you know, you murdered my relatives. And so I’m actually purposely trying to talk about that as the hardest case, I’m not trying to say every time we disagree with someone, we should invoke, you know, invoke genocide, I’m really trying to focus on that because I think sometimes we don’t honor enough the toll it can take mentally on people, to have to constantly be asked to forgive, and, you know, sympathize. So, it’s one thing to sympathize with the baker, right? It’s another thing to sympathize with people, I think, to sympathize with Nazis, you know? That’s—I’m gonna say that.

Dr. Eboo Patel

Yes...

Professor Adrienne Davis

I’m just gonna say that.

Professor John Inazu

I think we’ll all agree to that.

Dr. Eboo Patel

Yes.

Professor Adrienne Davis

I don’t know, I’m trying to press on it to see what the limits are.

Dr. Eboo Patel

So...

Professor Adrienne Davis

I never thought we'd actually be having the debate in the United States about, you know, the Nazi thing but somehow, it's

Professor John Inazu

Well, Eboo and I, a year and a half ago, when we were talking about these kinds of questions, you would start by saying 'let's stipulate we are not talking about Nazis' and that rhetorical move is off the table, right, because we are talking about the Nazis, and we have, I mean these are not insignificant challenges to our polity right now, and to the whole question, the kinds of things you and I like to talk about: the whether, the question of whether the experiment in pluralism is going to work is tremendously strained right now by the empowerment of white nationalism, and we have to name that as a massive challenge that we don't have great answers to right now.

Dr. Eboo Patel

So, I want to say a couple things here, okay? Number one...

Professor Adrienne Davis

And then I'll go back to the audience, I promise, I'm sorry.

Professor John Inazu

Oh yeah, we're supposed to be talking to...

Dr. Eboo Patel

This is, so...

Professor Adrienne Davis

I'm sorry, bad moderator.

Dr. Eboo Patel

So, one of the things that is being said by Christians in Africa in mainstream Protestant denominations, Methodists, Anglicans, etcetera, is 'you white people showed up, soul-murdered us with colonialism, soul-murdered us around our marital patterns, which in some cases were polygamist, and now you are soul-murdering us by saying we need to ordain women and affirm gay marriages.' And I guess what I am wondering is I might disagree with them on gay marriage, do I have no sympathy for their position? And I mean honestly, it's different for me if the Christian baker is black. That doesn't mean the judgment is different, that means I'm like dude, your dad couldn't get a loan, right? Your grandad was red-lined out of a neighborhood, your great-grandad was a slave... You got a shop, man, you want to be able to run your shop and these people exist too. And for me, I mean, I would like to look at situations and first see complexity, rather than simplicity, personally.

Professor Adrienne Davis

Right... Okay... To be continued

Dr. Eboo Patel

Just personally, right.

Professor Adrienne Davis

To be continued... [Points at audience member] Yes?

Audience Question 2

So, I wanted to ask you about the goal of pluralism, or the goal of diversity and I wanted to reference something that Rawls said in his *Theory of Justice*. He cited Isaiah Berlin, who said something along the lines of ‘No social world exists that can accommodate all forms of life’ and I think that—does that mean that the opposition to that should be our goal in that a society—our goal should be a society where everyone can pursue their perception of the good, regardless of whether or not it’s based in religious tradition or not? If not, do we kind of follow in the Rawlsian framework and limit it to what we consider reasonable conceptions of the good or reasonable comprehensive doctrines, and if so, how do we determine what is and what isn’t reasonable? I think a lot of people kind of identify reasonable alongside progressive, but it seems like the definition of progressive, or what we consider progressive, is constantly evolving. So, if we are to characterize it as progressive, then can we consistently apply that definition?

Dr. Eboo Patel

Man, Neil [gestures to audience member] doesn’t say anything for like four weeks in the seminar and then he like drops Rawls and Berlin in like the same question in the auditorium. I mean...

Professor John Inazu

That was nice, well played, well played.

Professor Adrienne Davis

Good move.

Dr. Eboo Patel

Dang...

Professor John Inazu

I mean, so, the first part I think is the easier part of the question to answer, which is there is no such thing as an unbounded pluralistic society. Every society is going to draw limits, and we know that with very easy, obvious examples. We’re not going to have the cult of child sacrifice recognized in this country, or the St. Louis chapter of Al-Qaeda, right? So, we’re gonna draw limits about the boundaries of pluralism, and then the very hard question is where do we draw those limits and what counts as ‘reasonable?’ And I love that you have honed in on the definition of reasonableness and who gets to decide, and that’s kind of the ballgame, right, in Rawlsian and post-Rawlsian thought is how do we decide this, and my own sense is we ought to be pretty careful about who else we’re going to put into the child sacrifice and Al-Qaeda category, and we better have a really good reason for it, and then, short of that, we need to figure out a way to live

with, to take Eboo's line, not just the differences we like, but the differences that hurt a lot, and I think that's where we start, but your question, Eboo reacted correctly because it deserves sort of a week-long answer.

Dr. Eboo Patel

You've been holding that for four weeks?

Professor Adrienne Davis

He's been thinking. Did I—I didn't see... Okay, yes? [Points to audience member] And we'll probably make this the last question, and then we'll wrap up.

Audience Question 3

So, thank you for the conversation, by the way, I'm sorry, I'm a little bit excited, so, I think you brought up a lot of—I mean, not that you brought a lot of issues, but you overwhelmingly focused on Muslim issues as a religion and I'm, as a Muslim, I was more surprised on the very like tiny details that you mentioned about Muslims and practicing and praying, which was very surprising for me. But, you know, I think it's kind of, maybe, a little bit... I want to say that it's like, we should—when talking about the religion, instead of focusing on what is the challenges of Islam, maybe we should also focus on what is the challenges of dealing with conservative Christians or Jewish, or Hindus, or other like major religions as well. Also, let's say—you said LGBTQ community versus Muslims and like Muslim female thinks that like homosexuals kind of it's like, if she accepts the homosexual, then she's violating her religion. What do conservative Catholics think about it? You know, I think there's other Christians that could be discussed, instead of heavily focusing on Muslims, and also, so my understanding...

Dr. Eboo Patel

Maybe I say a quick word about that? Thank you for bringing that up...

Audience Question 3

I have one more question actually, so another one is my understanding is that there's a huge debate about how the dean of the students deals with these issues, religious issues specifically, regarding to Muslims. So, I think if there is a need—maybe there's a need for a dean to be a Muslim to deal with these issues and if it is, I will happily apply to the position if you have it. I'm sorry, I'm a little bit nervous so I couldn't—I tried my best to express myself, I hope it was clear enough. Thank you.

Professor Adrienne Davis

See me after the discussion on that dean of students role.

Dr. Eboo Patel

You might have walked yourself into a job with that. So, thank you for that, let me make my intentions clear, because in the kind of pre-conversation I suggested a couple of these to Adrienne. So, number one, I am Muslim, right? And number two, I put forth Muslims as a group right now because they're a group that, in university environments, have brought sympathy, which is not the case for evangelical Christians and conservative Catholics. So, what I am always interested in doing is putting groups in which, in a particular context, people are likely to instinct empathetically towards, putting them in a challenging situation, right? So, in most university

contexts that I am on, people instinct empathetically towards people in the LGBTQ community and Muslims. There is a sense which is absolutely true that these are groups that are marginalized in the broader culture, that we on university campuses should pay special, warm attention to, so the reason for putting this community in conversation was not because of the problems in Islam, it was precisely because how do we choose a group that is brought—to which we have brought sympathies in this environment? Adrienne, can I ask, as somebody who works at a senior level in some of these areas here, is that—I mean I'm not super familiar with Wash U, I've been here three or four times, but is that generally the case that if an issue involving a Muslim student came across your desk, part of what you would instinctively be thinking is marginalized group in the broader culture, I'm gonna pay particular attention in a way that, like my empathy frame is on.

Professor Adrienne Davis

I don't know that I'm the best example of that. Here's what I would say, and I understand... I just want to reframe what you just said a little. I think that you chose those, and I liked them, I endorsed them, because I thought that they were really good thought experiments, right, and for us to sort of work our way through it. I'm not sure about the broader position that LGBT students and Muslim students are enjoying sort of lots of warm inclusive efforts. I'd like to think that we're doing that, but I'm not so sure about that. I don't know, Eboo.

Dr. Eboo Patel

I was concerned if these were evangelical Christians or conservative Catholic examples and theologically...

Professor Adrienne Davis

They would be easily dismissed and that's...

Dr. Eboo Patel

I was concerned that they would be easily dismissed...

Professor Adrienne Davis

And you're right, and that's why I agree with those, I'm just not sure that I agree with the additional step of Muslim students and LGBT students are finding, kind of, warm inclusion everywhere on the campus.

Professor John Inazu

So, quick question on that, who does, at Wash U...

Dr. Eboo Patel

I didn't say everywhere, I said in staff within Student Affairs, right, if they came across a professional in Student Affairs' desk there's more of a—I could be wrong about this, right? But the idea was there'd be—there's more of a likelihood that students in these minority communities set off 'we're going to take special care, and we're going to instinct on the side of this kid,' which is precisely why I think taking sympathetic groups and putting them in interesting situations—it's not the white, straight, evangelical, male, Christian baker, it's the

black baker, could have been his first shop, right, etcetera, what if that's the situation? That's the idea, doesn't mean that it went well, but that was the idea.

Professor Adrienne Davis

Yeah, no and I agree with that—my only point is even if we have those instincts, we still manage to mess them up, that's my only point. Marie, should we?

Marie Griffith, Director of the John C. Danforth Center on Religion and Politics

I think we should. Please join me in thanking our people [applause]. That was really terrific.