

## Commencement Address

December 18, 2021

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First of all, congratulations to the graduates. You have worked hard for four years or more—or at least, *most* of you have worked hard. You enter the outside world armed with new skills and new knowledge that will benefit you for the rest of your life. You have improved your ability to learn new things as you go. And you will have to keep learning new things where ever you go in life and whatever you do when you get there.

Whether you worked hard or just skated by, you now have a degree from a great university, and you will carry that credential with you for the rest of your life. And whatever else may happen, no one can ever take away from you either the many things you learned here or the credential that you earned here.

Second, congratulations and *thank you* to all the parents. No parent is perfect, but speaking again to the graduates now, most of you had parents who steadily supported you from your helpless beginnings until you achieved the goal we celebrate today. They changed your diapers, they read to you, and they encouraged you to read for yourself. They taught you how to ride a bicycle, and they made you do your homework. They struggled through, or maybe suffered through, your adolescence, and they paid your tuition, or they paid what part of it they could. And today, they are prouder of you than you can easily imagine. Please join me in thanking all the parents.

I first came to Michigan State from a small blue-collar town in southern Illinois. I was the first in my family to go to a four-year school. I knew so little about higher ed

that I didn't know the difference between Michigan State and that other school down the road. You know, the one we beat again in football this year.

I got a great education at Michigan State. I met my bride at Michigan State, and we just celebrated our 50th anniversary. When *I* graduated, I didn't yet understand how much I had benefited from Michigan State. But my life was transformed here, and I have come to be profoundly grateful to Michigan State University. Some of you may already feel that gratitude; many more of you will come to feel it in the years ahead.

Let me say just a little about the work that the President mentioned and that led Michigan State to honor me today. And let me put it in a bigger perspective that applies to all the many and varied kinds of work that this graduating class will do. A few of you may someday occupy a key position from which you can enact some important policy change, or make some big discovery, or take some other action that leads to a wholesale improvement in the state of the country or the world.

But for most of us, if we do any good in the world, we do it retail. We try to improve the situation immediately around us, or in our specific field of endeavor, and we hope that our efforts will contribute something to the bigger picture. I have spent much of my career addressing my little corner, of just one part, of one major problem facing the country. Each of you can make that problem better or worse, depending on how you understand and treat your fellow Americans.

At the biggest picture level, the problem is polarization. Americans are more polarized politically, and more divided culturally, than we have been in a long time.

We have been even more polarized at times in the past. We have had deep cultural differences from the beginning. Our Constitution assumes that we will disagree on many things.

One approach to this kind of disagreement is to try to stamp it out. King Henry VIII had his obedient Parliament pass a bill entitled, “An Act for Abolishing Diversity of Opinions.” But diverse opinions refused to be abolished. Many people believed what they would, no matter what Henry said.

Americans are in principle committed to a very different approach to diverse opinions. For many of our disagreements, the fundamental solution is elections.

But we do not vote on every disagreement. Our Constitution also promises important liberties to each of us. As the Supreme Court said at the height of World War II, in a decision protecting a group that was *extremely* unpopular at the time, these basic rights “may not be submitted to vote; they depend on the outcome of no elections.” That is still true today. But these rights *do* depend on our continued willingness to respect them.

These rights *assume* deep disagreement. If we all agreed with each other, there would be no need to guarantee rights. Constitutional rights are most important precisely for those with whom we most deeply disagree.

What I am proudest of in my own career is that I have defended the rights of all sides in America’s culture wars. I defend the rights of people that I think are profoundly wrongheaded on fundamental matters. I often oppose those people politically, but I defend their right to live their own lives by their own deepest values. I have defended them in my scholarship, in the courts, and in Congress and state legislatures.

Let me give you a few examples.

I successfully urged the Supreme Court to protect an Afro-Caribbean religion that sacrifices small animals to its gods, and a Brazilian religion that drinks an hallucinogenic tea in its worship services.

I have supported the anti-discrimination laws throughout my career, but I also successfully urged the Supreme Court to let churches fire their priests, ministers, rabbis, and imams, for any reason, good or bad, or for no reason at all. Because if the minister could challenge the reason, and sue the church for discrimination, a judge or jury would decide whether that person should be a minister in that faith tradition. And only the church itself can choose who to trust and empower with its ministry.

I have urged the Supreme Court to eliminate Christian prayers at public school graduations, high school football games, and other government events. Because when government prays, it imposes those prayers on citizens of many other faiths, and on citizens of no faith at all. But I have also defended the right of student prayer clubs to meet in public school classrooms and to distribute religious literature on school grounds. They may irritate some of their classmates, but they cannot force anyone to attend the meeting or read the literature.

I repeatedly urged state legislatures, and the Supreme Court, to create a legal right to same-sex marriage. Many others made similar arguments, and the Supreme Court has now done that. Unlike all the others making those arguments, I also urged legislators and the Court to grant religious exemptions, so that conscientious objectors would not have to assist with same-sex weddings.

In all these examples, I tried to avoid the Puritan mistake. The Puritans came to Massachusetts for religious liberty, but they meant religious liberty for Puritans. Anyone who disagreed with them had only the liberty to leave Massachusetts.

Today we are less transparent about claiming liberty only for ourselves. But far too many Americans give a maximum reading to the rights that they claim for themselves, and for others with whom they sympathize. And they give a minimum or zero reading to the rights claimed by the people they disapprove of. Few of us would admit to wanting Henry's solution, but many Americans are drifting in that direction. Too many Americans on each side of the culture wars would like to stamp out the other side.

Protecting the liberty of both sides reduces the intensity and the stakes of polarized disagreement. If liberty for me on an issue means an end to liberty for you on that issue, and if you care about that issue just as much as I do, then we will fight bitterly and endlessly. But if I claim only the right to live my own life by my own values, and if I respect your right to live your own life by your very different values, then no one's way of life need be destroyed.

So to use just the marriage example, conservative Christians should not try to prevent same-sex couples from getting married, and same-sex couples should not demand that conservative Christians make the wedding cake. A couple can have as fancy a wedding as it likes, and a long and happy marriage, without forcing conscientious objectors to provide goods and services for the wedding. Requiring them to do so forces the conscientious objectors either to permanently surrender their conscience, or to permanently surrender their business and their occupation.

But neither side seems content with live and let live. Each side often demands conformity to its own views in ways that pose an existential threat to the other side's way of life. And that makes for endless and unrestrained conflict.

So I urge you to work at being more tolerant of your fellow Americans, and most especially to be tolerant when some of them do and believe things that make your skin crawl. It is enough to protect your own liberty; you do not have to force all the dissenters to conform to your view of our many disagreements. I address this plea to both the left and the right of the graduating class. Both sides have been guilty of opposing the other side's right to control their own lives.

But enough of all that. Let us return to the main point, and the less contentious point. Today we celebrate a great occasion, and a great achievement, for each and every one of you. I join the faculty and the leaders of the University in offering hearty congratulations to every parent, and especially to every member, of the class of 2021.