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In Theory Q & A: Should faith-based groups be tolerant?

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Q. A recent column in The Wall Street Journal titled, "Religion and the Cult of Tolerance," criticizes what its author, William McGurn, calls "new intolerance being imposed in the name of tolerance."

McGurn believes that the freedoms guaranteed by the 1st Amendment — not just those of religion and speech, but also corporate freedoms to run organizations — are under threat because of regulations set down by state and federal authorities. As an example, he cites the case of a Catholic charity in Washington, D.C. that can no longer offer children for adoption or foster care because it will not place kids with gay couples.

Anti-discrimination laws are in place for a reason, but several organizations, including The Becket Fund for Religious Liberty, claim that they infringe on a religion's or group's right to employ or deal with whoever they want to. President Obama is under fire for extending the Office of Faith Based Initiatives' exemption from federal anti-discrimination laws and several religious charities and organizations have found themselves being taken to court for refusing to hire people outside their faith groups.

Do you feel anti-discrimination laws are making things harder for religious-based organizations?

Answer:

Once again, we have been asked on to make a judgment about the relationship between the United States government and various religious groups who want to use religion as a basis to discriminate against people who do not agree with their doctrines. My contention is that they can certainly make judgments based on their particular dogma within their religious organizations. The difficulty is when that code of belief is imposed, along with jobs or services, on those who do not share it. Then, it is being used to break down the doctrine of the separation of church and state, a right that is guaranteed by our Constitution.

A second concern I have is that the religious groups in question are accepting government money for their operations. They can accept government money and follow government mandates for anti-discrimination, or they can refuse the money and practice according to their own restrictive beliefs. But they cannot have it both ways. Just as James Madison disagreed with rewarding Christian teachers in public schools, allowing religious organizations to practice intolerance while receiving government money is the other side of the same tarnished coin.

Although I am a person of strong faith and a devoted social justice activist, I disagree with religious groups receiving money from the government for their operations for even the most worthwhile purposes. The line between proselytizing and providing non-sectarian services is much too close for my comfort as a Unitarian Universalist. I believe that each person should be allowed to practice his or her own religion as an individual or as a member of a congregation. However, when that practice infringes on the rights of others to do the same, it is neither just nor compassionate. The earliest settlers of our country came here for religious freedom, not for religious prejudice. I believe we would do well to follow their example.

The Rev. Dr. Betty Stapleford
Unitarian Universalist Church of the Verdugo Hills
La Crescenta

Not really. The big question not being addressed here, it seems to me, is federal money. If a religious group is receiving federal money (or even state funds), then there will be strings attached. And there should be strings attached. Actually, any group that accepts federal money, not just religious organizations, will not have the freedom to do what it wants — and I think that's fine.

I went to Wabash College in Indiana, and that place is so proud of the fact that it receives no financial help from church or state. (It was founded by Presbyterian ministers kneeling in the snow, so the story goes, back in 1832. But it is so proud of the fact that these days it receives no church help. And I'm proud of my alma mater for its independent stance.)

I think it was the economist Milton Friedman who said, “There is no free lunch.” The same is true if you're sucking up money from the federal trough: There will be a price to pay.

Gee, I almost sound like a tea party activist, and I'm really not. My social views are quite liberal, and I don't mind if those of us who make more than a certain amount pay higher taxes. But any group that receives financial help from whatever source will have to pay a price, and that bothers me not at all.

Now I'm sure there are some exceptions that I can't think of right now — but for the most part, there's no free anything.

The Rev. Skip Lindeman
La Cañada Congregational Church
La Cañada Flintridge

Judging from recent events, I would have to conclude that there is an increasing level of intolerance toward religious observance and religious institutions across the nation. I believe that the majority of this prejudice comes from people who have an anti-religious agenda, and many of them are using anti-discrimination laws as a cover for their shameful work. Lord Jonathan Sacks, the Chief Rabbi for Great Britain, recently stated that “we are beginning to move back to where we came in the 17th Century.” This observation, while very acute in England, seems to be gaining ground on this side of the Atlantic as well.

Three centuries ago, it was religious zealots who persecuted the non-religious or those of another belief. Today, we find intolerance emanating from the non-religious against people of faith. In one recent example here in California, some radical individuals in San Francisco tried to outlaw several millennia of tradition by banning the rite of circumcision. Thankfully, a level-headed judge dismissed the entire challenge by removing the initiative from the city ballot.

America's founding fathers enshrined in the Constitution the right to worship however one sees fit. Impinging on that entitlement not only violates the 1st Amendment, it weakens the very foundation of our country's laws. Those who seek to undermine religious freedoms should be very careful, lest their efforts rebound and ultimately destroy the underpinnings of the anti-discrimination laws they seek to uphold.

Attacking the legal rights of one citizen will ultimately undermine the rights of others.

Just as I find it disingenuous for people to assault religion using the cover of anti-discrimination laws, I am equally firm in my conviction that religious institutions have a fundamental obligation to ensure that they never use their 1st Amendment freedoms as a cover for immoral actions.

Only activities or rites that are part of religious doctrine and are wholly legal should be included in spiritual observance and receive the protection of the Constitution.

Rabbi Simcha Backman
Chabad Jewish Center
Glendale

Yes, I do. While the intentions behind anti-discrimination laws may be admirable, the practical enforcement of them in a number of cases ends up limiting freedom and denying care to those in need. The ridiculous, vindictive limitations imposed upon the Catholic adoption agency in Washington, D.C. are a perfect example. When the government censures, limits or seeks to change a religious organization's practice according to its own moral rules, is not the government in fact establishing a new religion? Has not the government placed itself in a position of leadership within the organization? Tax issues and zoning requirements may be one thing, but meddling in how an organization operates is a step too far.

Many churches cite biblical qualifications in their policy to hire only male senior pastors. They refuse to marry same-sex couples because of the Bible's clear instruction that marriage is God's gift for heterosexual, monogamous couples. Of course many people disagree with these principles, but who are they to impose their preferences upon others who simply want to follow the practical requirements of their faith? Is not such opposition in fact intolerance of the faith, a statement that this faith is wrong and should change? Would not the church then have an equally valid counter-argument that those who oppose should themselves change?

"If possible, so far as it depends on you, be at peace with all men" says Paul in Romans 12:18. The vast majority of churches only want to do just that in an uncompromised manner, serving their communities in Jesus' name as an expression of God's love. The Bible urges us to pray for our civic leaders "in order that we may lead a tranquil and quiet life in all godliness and dignity." (1 Timothy 2:1-2). Looks like it's time to start praying harder.

Pastor Jon Barta
Valley Baptist Church
Burbank

Federal funding going to churches and other faith-based organizations already puts us on a slippery slope away from church-state separation.

Why should we accept unlawful discrimination supported by our tax dollars?

Professional change can be rough, and I do sympathize with individuals providing services who sincerely feel that tolerance will violate their beliefs, no matter how misguided those beliefs. But groups accepting federal funding to run secular programs cannot be allowed to violate the law.

Roberta Medford
Atheist
Montrose

The In Theory question asked this week misses the main point being made by Mr. McGurn in his Wall Street Journal op-ed column. Mr. McGurn's motivation for writing his column is the case of Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC, an employment discrimination case that the United States Supreme Court recently agreed to hear.

As to the importance of this case, the ACLU suggests on its website that this case is “one of the most important religious liberty cases in years.” In fact, 31 friends-of-the-court briefs have been filed in this case.

At the heart of this case is the “ministerial exception,” which is a long recognized 1st Amendment bar to religious employment-related lawsuits. The Federal courts are in agreement about the core application of this doctrine, but they differ as to its boundaries.

Religious organizations are concerned that the Supreme Court could narrow the application of the “ministerial exception.” If so, governmental entities, including the courts, arguably would have more control over religious organizations and their operations.

On the other hand, non-religious organizations, and a few religious organizations, argue that religious organizations should not be exempt from anti-discrimination laws if the discriminatory actions taken are not based on religious grounds. One friend-of-the-court brief suggests that the courts should be granted the right to review and determine religious organizations’ motivations in employment matters.

The doctrine of separation of church and state is about preventing or curtailing religious intrusions into the state. In an ironical twist, this case is about how far the state can intrude into religious institutions and their operations.

Religious freedom, as set forth in the 1st Amendment, is an important right. However, it is safe to say that in this day and age, this freedom is not valued as it was when it was put into the Bill of Rights. In fact, for many, it is a freedom that can be limited or sacrificed in favor of other freedoms or rights that are deemed to be more important. This is the very concern raised by Mr. McGurn in his column.

Rick Callister
Church of Jesus Christ of Latter-day Saints
La Cañada II Ward,
La Crescenta Stake

I think it is just and proper that religious individuals and groups should obey all laws regarding behavior in the public sphere. James Madison helped establish in the United States the idea that religious liberty is a fundamental human right not to be regulated by government, unless other human rights are being endangered. I believe Madison's goal is correct and should stand today. However, I don't think that means religious groups are free to do whatever they want in all spheres. I interpret that liberty to be in areas of religious practice.

There are many secular and public spheres where no one has the right to do what they want. I can't block a road or endanger children, even if I assert I am exercising my human liberties. In the same way, I suggest that religious groups should be subject to the laws that affect the public sphere in the same ways, and for the same reasons, that all other groups and individuals are subject to those laws.

A great strength of the United States is that we are not a frozen society ruled by lords and gods, and so we can learn from our experience and refine our laws based on thinking together and negotiation. I am optimistic that our society can continue to grow in fairness and liberty while honoring the wisdom of our founding fathers.

Steven Gibson
South Pasadena Atheist Meetup
Altadena

My first instinct is to say no. If it takes Uncle Sam to enforce the love we were supposed to learn from our Scriptures, then so be it. And if you're taking money from the government, then the government gets a say in how you do business.

But this is not a yes-or-no question; it is nuanced, complex, and situational.

The spirit of the Civil Rights Act of 1964, exempting religious organizations from discriminating in employment practices on the basis of religion, seems simple enough. While for other organizations the religious beliefs and practices of potential employees are irrelevant to their duties, they are not irrelevant for an organization whose business is religion. Other employers have no right asking about religion in an interview. We do.

But it's wrong for faith-based businesses to use this protection as a smokescreen for bigotry or abuse.

For instance, in the case cited by McGurn, a teacher at a private Lutheran school was fired after extended absence from work due to illness and disability. Had she been fired for, let's say, teaching an unacceptable understanding of atonement, then the school would be within its rights. But if she were fired because of her illness, then it seems fair to review that decision according to federal and state labor laws.

'Faith-based' might be too large of an umbrella term. There's a big difference between a house of worship deciding which sort of person will best embody their beliefs and teach the faith by example and a corporation offering otherwise worldly goods and services that happens to be associated with a faith tradition.

A local church should be allowed freedom to hire or not hire a homosexual or a homophobe, for example, based on their beliefs and the ethos of their congregation. A church-associated hospital, homeless shelter, adoption agency or soup kitchen should not be allowed the same discrimination, in my opinion, toward its employees or its clientele.

Let's all look forward to the day when none of us will need to have our tolerance toward our fellow human beings legislated by anything other than our own good conscience.

The Rev. Amy Pringle
St. George's Episcopal Church
La Cañada Flintridge

This is a healthy and historic push and pull, isn't it? The state seeks to establish justice in the preservation of life and property, with the religious community providing a moral pushback when some people's lives and property are treated as being of greater value than those of others. Then, when elements of the religious community award greater privilege to certain people, the state pushes back on the justice issue. People of faith, despite our earnestness, have not fallen 100% on the right side of history. The pushback makes us examine our theology more closely. This is a good thing.

A legal scholar will do better on this question than this humble preacher, for I had more questions than answers.

For example, how far does religious liberty extend? The Constitution says freedom of religious expression equals freedom of speech, petition and assembly. Clearly this doesn't include every conceivable liberty: You can't freely slander, torture or kill anyone, call it a religious practice and escape recourse. You probably shouldn't be able to discriminate in service delivery or hiring based on race or sexual orientation, either.

Finding the line is part of the push and pull process.

And what constitutes religious persecution? Clearly, imprisoning people for their beliefs is persecution, as is prohibiting worship or spying on worship, as the Nazis did. Asking a Lutheran school to be accountable to fair hiring practices, especially when the teacher was not dismissed for religious reasons, seems to fall outside of “persecution.” In fact, placing this incident anywhere near the category of persecution belittles the suffering that so many have undergone for their faith.

Anti-discrimination laws do make life harder on religious organizations, but that doesn’t mean that the process is without value. It is part of our ongoing public-square conversation about church and state, justice and liberty.

The Rev. Paige Eaves
Crescenta Valley United Methodist Church
Montrose

There is tolerance, and there is politically-correct tolerance, which is no tolerance at all. If it is my religious belief that certain behaviors of human beings are morally wrong, and I wish to run my affairs in a moral manner, I should not be bound by some arbitrary code of tolerance that does not tolerate my level of tolerance. I can live and let live, tolerating another man’s right to behave his own way, even if I could never find it morally acceptable and perhaps even find it reprehensible, but toleration is just that, putting up with the proclivities and positions of others for the sake of their putting up with mine. Tolerance does not mean complete acceptance of, or even positive regard for, another’s beliefs and practices. There are a lot of disgusting things that people believe and practice that won’t land them in jail, but which most of us wouldn’t want to touch with a 10-foot pole. If we can’t dissuade them or our governors, then we must tolerate.

Now if I have a church or Christian organization that is non-profit or otherwise, my reason for existence is to make a better world according to a moral code that I and my colleagues accept as true. To perpetuate goodness and charity, we bind ourselves together in common cause, not to make paychecks, nor just to be some sort of private club, but to accomplish the task. This cannot happen if government forces me to hire an unfit workforce. Just as managers of a fitness club hire obviously fit people to work their establishment, and the military seeks mentally stable candidates for sensitive departments, so too the Christian world and work, which expects its people to be on board with God’s program, and not the devil’s. Anyone or anything that is not Christian is contrary to God’s program.

Freedoms of religion, association and assembly are jeopardized when they’re only tolerated by those deeming them tolerable. It is becoming less tolerable to be Christian, but that’s expected, Jesus wasn’t tolerated either. “Crucify him,” they shouted — so tolerantly.

The Rev. Bryan Griem
Montrose Community Church
Montrose

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