What religious freedom isn’t

From the Editors in the September 16, 2015 issue

These days social conservatives are all about religious freedom. As the wider culture has tacked left, the right has shifted to a rhetoric of conscientious objection. The free exercise of religion, once championed most prominently by minority faiths and their liberal defenders, has become a prime conservative talking point.

While some liberals are broadly dismissive of such arguments, we Century editors are not. Religious freedom is a bedrock of American pluralism and its fertile religious soil. When religious rights conflict with others, such as the right of LGBTQ people not to face discrimination, finding a solution will not be easy. Competing rights must be balanced, which requires that we seek creative compromise. (See this issue's news story.)

Yet some advocates of religious freedom seem to have something in mind besides free exercise for all. For example, some Christians trumpet religious freedom but seem uninterested in the rights of Muslims near Dallas who face fierce opposition to their plan to build a religious cemetery or in the rights of Apaches in Arizona who are fighting for a sacred site threatened by mining interests. When Christians decline to defend such groups, they betray their selective dedication to the religious freedom cause.

And other religious freedom appeals look suspiciously like pretexts. Duquesne University, a Catholic school in Pittsburgh, has been refusing to recognize a union that adjunct faculty voted to join in 2012. This summer the National Labor Relations

Board ruled for the union. But Duquesne has appealed, maintaining that its religious mission exempts it from NLRB jurisdiction—and that its religious exercise requires the right to hire and fire in accordance with that mission, unencumbered by union rules. The university even took the chilling step of naming two individuals as examples of those it reserves the right to fire.

It’s hard to miss the irony of a Catholic institution appealing to religious freedom to defend union busting; labor rights are deeply ingrained in the church’s teaching and heritage. Duquesne president Charles Dougherty acknowledged this in a 2012 statement but maintained that “concerns for our religious mission are a higher priority.” As a government entity, the NLRB rightly declines to pass judgment on the substance of that religious mission; its determination was based on other factors. Still, when an institution contradicts its own church’s teaching in order to defend a mission that somehow excludes that teaching, it’s not clear how religious freedom is served. What is clear is that religious freedom provides a convenient argument for fighting unions, something employers generally want to do anyway.

Religious freedom is the cause du jour, but often its rhetoric masks less noble concerns. That’s a shame. The free exercise of religion is both a basic right and a source of American religious strength and diversity. Yet some religious freedom advocates seem eager to give it a bad name.