Spirituality

by Heidi Schlumpf

View Author Profile

Follow on Twitter at @heidischlumpf

Join the Conversation

Chicago — March 26, 2018

Share on BlueskyShare on FacebookShare on TwitterEmail to a friendPrint

As the U.S. bishops were urging Congress to enact a permanent Conscience Protection Act to protect health care workers from participating in abortions — a lobbying effort that seemed to collapse March 22 — scholars were debating the complexities of that and other religious freedom debates, especially when one group's religious freedom conflicts with other freedoms or values in a pluralistic, democratic society.

"Whose conscience prevails when such conflict ensues?" asked Miguel Diaz, professor of theology at Loyola University in Chicago and former ambassador to the Holy See.

"Is it the institutionalized conscience related to the religious body, the conscience of the individuals within or outside that institution, or the conscience of a democratically elected government and its leaders whose primary responsibility is to serve a pluralistic society and advance the common good?" Diaz said.

Too often those questions are not debated in a reasoned discussion, but in culture war attacks aimed more at winning the argument than finding a solution that respects both sides, said several speakers at a two-day conference on "The Question of Religious Freedom" March 12-13 at Loyola University.

"Religious people tend to enter discussions with the attitude that they already have all the answers they need," said Robin Lovin, an emeritus professor of ethics at Southern Methodist University. Instead, societies have to answer not only whether an option is "good," but whether it is "politic," he said.

"Are we in the realm of contingent truths where all solutions are important? Or are we dealing with truth that can't be questioned?" Lovin asked.

The conference traced church teaching on religious freedom "From John Courtney Murray, SJ, and Vatican II to the Present," beginning with a presentation by author Barry Hudock that covered the Jesuit's contributions to the 1965 document Dignitatis Humanae, which first affirmed the church's acceptance of religious freedom in what Hudock called a "paradigm shift."

Sixty years ago, questions were still being raised about whether Catholics could be "good Americans," Hudock said. But today the church is active the public sphere — and in the middle of many religious freedom debates. In 2011, the U.S. bishops created a new committee on religious liberty and launched the "Fortnight for Freedom" campaign to address issues ranging from contraceptive mandates to cakes for same-sex weddings.

But a "winner-take-all," adversarial approach is not a good model for questions of public policy, said Barry Sullivan, a Loyola law professor who instead advocated for dialogue that is open to "mutual transformation."

That would require what Pope Francis calls "*una cultura de encuentro*" (culture of encounter) to move toward "*convivencia*" or a "just, negotiated living together in peace at the intersection of our differences," said theologian Carmen Nanko-Fernández of Catholic Theological Union in Chicago.

The conference's conversations tried to model this potentially transforming dialogue, and at least one speaker predicted that if opposing sides in religious freedom disagreements could work toward compromise in service of the common good, they could serve as a sign of hope for reducing overall political polarization.

Culture wars and fights over religious liberty are the wrong metaphor, set the wrong tone and send the wrong message, said Kathleen Brady, a fellow at the Center for the Study of Law and Religion at Emory University. "And if finally we finish by

mowing down our opponents, we will not have won. We will have lost what is most important."

Instead, Christians should model God's love through openness to the other, hearing their point of view and learning from others, she said. "These aren't just democratic values. They are Christian values," she said.

In her talk on "Religious Freedom and the Common Good," Brady noted that religious liberty belongs not just to believers, but to the common good.

In recent "culture war" debates, religious believers have tended to focus on their own rights and liberties, while those who resist religious accommodations focus on the costs, especially when they are born by unpopular, marginalized or other politically disadvantaged groups, she said.

Instead, both sides should work together to seek solutions that avoid or minimize burden on one another to the greatest extent possible, she said. "No one can expect to get everything they want, but each side should be willing to address what is most important to the other," Brady said.

That includes making room for moral disagreement, she said. "We cannot expect the legal or social order to fully match our views about marriage, family and sexuality or any other human good," she said.

"Democracies provide citizens with the opportunity to promote their visions of the human good at the level of society, not just in their personal lives," Brady said. "But we won't always win, and when we don't prevail, we should respect the outcome, even as there must always be space for dissent."

Thomas Berg, who has written briefs in support both of same-sex marriage and of the owners of the Masterpiece Cakeshop, who refused to bake a cake for a same-sex wedding, agreed that those on opposite sides should try to support one another's liberties, rather than replicating and aggravating "culture war" debates.

"The strongest features of the case for same-sex civil marriage show an equally strong case for protecting the religious liberty of dissenters," said Berg, professor of

law and public policy at St. Thomas University in Minnesota.

Lawmakers could enact nondiscrimination protection for LGBT people while also providing meaningful exemptions for religious organizations, as Utah has done, Berg said. That is crucial, since LGBT individuals have no statewide protections against being fired or being denied service in 30 states — states where antidiscrimination laws would be unlikely to pass without substantial exemptions for religious organizations.

But too often activists allow "the perfect to be the enemy of the good," or lose credibility because they support liberty for one group but not another, he said. For example, Republicans support religious liberty for Christians but tend to deny such rights to Muslims, while liberals have become increasingly hostile to any religious liberty claims.

"Religious freedom is a fundamental value, just as nondiscrimination is; courts and legislatures should give strong weight to both," he said.

Without such compromises, polarization will continue in the political sphere, said Lovin. "In place of a theology that is political, we now have a politics that is quasi-theological," he said.

[Heidi Schlumpf is NCR national correspondent. Her email address is hschlumpf@ncronline.org. Follow her on Twitter @HeidiSchlumpf.]