



# Protecting Religious Freedom

# Trends that could affect your ministry.

By Stanley Carlson-Thies

**MOST AMERICANS BELIEVE IN GOD** and many attend worship regularly. Yet legislators and judges often seem dismissive of religion. That dichotomy is increasingly evident in the area of faith-based services.

Religious schools, hospitals, prisoner re-entry services, counseling agencies, and more, regularly receive positive public attention, often work in partnership with government, and are vital to our civil society as well as to the lives of many families, individuals, and communities. And yet, increasingly, legislators and judges are imposing on them secular norms, sometimes even forcing them out of operation. The re-election of the president worries many religious freedom advocates, but should not be over-interpreted. The negative trends are powerful, long-term, and growing.

## STORMY SKIES

The most important trend is the eroding public understanding of, and respect for, religion. In a Winter 2010 *Outcomes* cover story, David Kinnaman (Barna Group) noted the growing “negative reputation of Christians” — with many people regarding evangelicals, in particular, as being anti-gay, judgmental, politicized, and hypocritical. Yet there is also a broader tendency to judge committed believers to be sectarian and to see religion as fostering hatred, violence, and backward practices, thus undermining contemporary norms of equality and sexual liberty.

To many, religion is a set of odd rituals and beliefs, not the powerful and often positive force that has motivated vital social movements; fostered human rights; and pioneered educational, health, and welfare advances — a force that inspires people to volunteer, to give, and to work for lesser pay in order to have a greater positive impact.

Given the misunderstandings, it is no surprise that governments are narrowing religious freedom protections. Worship, private religious activities, what believers do amongst themselves — these are accorded freedom, but activities that are carried out in the public square and which involve other people will be subjected to secular norms.

Recall the federal government’s requirement that employee health plans must cover all contraceptives, including emergency birth control pills that are abortifacients. Ultimately, the government gave a nod to Catholic teachings and to pro-life convictions by creating an exemption, but only churches and seminaries are eligible for it. Faith-based groups that serve people of other

faiths, or that provide material help and not only preaching and prayer, are not eligible for the exemption (an accommodation is promised for them, but no details have yet been offered and, in any case, it will be less than an exemption).


Serve your own kind and stick to religious activities and you are free to depart from secular norms. But answer Jesus’ call to serve your needy neighbor and not restrict yourself to prayer if the neighbor needs food — and you may discover that your faith-shaped way of operating is illegal. The unanimous Supreme Court decision upholding the employment practices of a Lutheran church school earlier this year (*Hosanna-Tabor v. EEOC*) was noteworthy — but involved “ministerial” employees, not the faith-shaped practices of parachurch ministries in general.

Related to that narrowing scope of religious freedom is the fast-growing determination to define faith-based practices as discriminatory and illegal. The state of Illinois dropped foster-care contracts with Catholic and evangelical agencies when they would not promise to disregard marital status and homosexual conduct when placing children.

Catholic Charities agencies have been forced out of adoption services in a number of places because of the Church’s convictions about where children can best be raised. Religious student groups have been denied status as recognized clubs by multiple public universities and law schools because their requirement that leaders be faithful in belief and conduct is said to be illegal discrimination (the U.S. Supreme Court upheld that view as long as every club is required to accept “all comers”). Doctors and counseling students — not to mention a wedding photographer — have been charged with discrimination for referring rather than serving clients whose sexual standards they do not desire to support.

Similarly, law professors have urged that 501(c)(3) status be denied to “discriminatory” organizations — those that hire based on religion or that do not provide the full range of services (e.g., abortions). It has taken litigation, or the threat of it, in several states before ministries that hire only believers were included in the combined giving campaigns that facilitate giving by state employees.

Restrictions on faith-based services can be the result of elevating other rights without specifically curtailing religious freedom. This is the paradox of the Obama administration’s faith-based initiative. President Obama surprised many by retaining this Bush-initiated program, intended to ensure a level playing field for faith-based groups competing for federal funds. And he



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fended off fierce pressure to curtail religious hiring by federal grantees — perhaps in large part because many religious organizations told the government that they would have to break off their partnerships if the practice is banned. Yet some of those partnerships were threatened or even ended by other actions of the Administration.

For example, the Department of Health and Human Services added to one program a preference for applicants who are pro-choice and passed over the top-rated Catholic organization. Also, the U.S. Agency for International Development is “encouraging” its partners to be as lesbian-, gay-, bisexual-, and transgender- (LGBT) friendly as is the administration, leading some faith-based groups to wonder if they will be welcome in the future. Some other administration policies specifically accommodated the distinctive practices of faith-based organizations, and yet commitments by federal agencies like those just mentioned are narrowing the freedom of faith-based organizations to maintain their own practices.

A different kind of problem looms as governments hungrily search for additional revenues. The looming “fiscal cliff” threatens funding that enables religious as well as secular organizations to expand services to the needy. Progressive plans to grow government — and libertarian plans to shrink it — can both threaten that funding.

Some plans to reduce the federal deficit mark the tax deduction for charitable contributions as a target. Various cities are demanding PILOTs (payments in lieu of taxes) from nonprofits — sometimes including even churches. Concern for revenue and lessened respect for religion is leading some to question whether churches and parachurch ministries “deserve” favorable tax treatment.

## WHAT MINISTRIES SHOULD DO

All of this doesn’t add up to a war on religion, but there can be no doubt about increasingly damaging constraints on the freedom of faith-based services to be true to their religious convictions and remain distinct from their secular counterparts.

We understand from the Bible that friction with society is to be expected. But that’s no justification for passivity. How might leaders respond?

- **Kingdom thinking.** As our society becomes post-Christian, we must recall that Christians are citizens of another kingdom. Still, we are called to be winsome witnesses and to put our faith into practice for the good of our neighbors. However, as exiles, we cannot assume that our intentions and actions will be deemed to be good. Rather, this is a time for deliberate witness.

- **Bold witness.** It is tempting to downplay faith, hoping to be seen simply as contributors to the common good, not oddly religious. But faith-based organizations that try to look secular have no defense against secularizing requirements. Instead, they need to be overt about their religious character and explicit in connecting their good fruits to their godly calling. And faith-based schools, clinics, shelters, and others need to open the eyes of society and government to the indispensable role they play. They are not merely a few extra “points of light” among a thousand do-gooders.
- **Wise policies.** Our First Amendment remains in force. Religious freedom is an American principle. But it only protects religious exercise and religious organizations. *So faith-based organizations must take pains to systematically align their policies and practices with their professed religious convictions. And they must draw explicit connections from their beliefs to their policies.* Conduct and faith requirements ought to be obvious to job applicants. Prospective clients and government regulators shouldn’t be surprised to discover that faith shapes what the organization does and dictates what it will not do.
- **Serve others.** Ironically, society increasingly assumes that the stronger your faith, the more you disdain others. Faith-based service organizations have the power to undermine that false assumption because our words and deeds display the opposite message: Love of Jesus inspires service to others. Affirm your ministry’s strong beliefs and — in the same place — underscore your faith-based commitment to respect, discussion, and service.

Finally, 1 Peter 2:11 reminds us that we are “sojourners and exiles” in the midst of non-believers who may regard Christians as actual “evildoers.” Nevertheless, it says, even those deeply opposed to the gospel can know that what they are witnessing are genuine “good deeds.” That should give parachurch ministries confidence to shine their light, not hide it. ●

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IRFA works outside the courtroom to preserve a public square in which faith-based service groups can make their uncommon contributions to the common good. IRFA’s bi-weekly *eNews for Faith-Based Organizations* analyzes current trends. Carlson-Thies was a founding member of the White House Office of Faith-Based and Community Initiatives in 2001. To learn more visit ([irfalliance.org](http://irfalliance.org))