

Archbishop Lori's Talk: Current State of Religious Freedom in the United States

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Interreligious Dialogue Panel

St. Omer, France

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I am delighted to take part in this roundtable on culture and interreligious dialogue. My task is to describe the state of religious freedom in the United States, including issues that contrast with and are related to the situation in Western Europe. My starting point is not specific challenges to religious freedom in the U.S. but rather the changing role of religion in the American cultural landscape. Specific challenges are always better understood in a larger context.

I am neither a lawyer nor a sociologist but as a priest and bishop I can see how fast law and culture are changing. The words of Pope Francis ring true, when he said: "We are living not in an era of change but in the change of an era." In this new era, the influence of religion on culture is also in flux, and some would say, it is in decline.

America is a secular state but by and large a religious society. Let me offer a snapshot of one religion, namely, Christianity. The Pew Research Center found that nearly 7 out of 10 people in the U.S. identify with some branch of the Christian faith. Yet, between 2007 and 2014, the number of those who identify as Christian has fallen, from 78% to 70% while the number of Christians religiously unaffiliated jumped from 16% to 22.8%. Similarly other religions had an uptick in members who became unaffiliated.

Nonetheless, the overall number of Catholics in the U.S. increases each year. Dioceses in the South and West are growing while those in the Northeast and Midwest are contracting. In the aggregate, enrollment has decreased in Catholic

schools, leading to closures yet there are still many thriving Catholic schools and colleges in the U.S. Sacramental practice is down though weekly Mass attendance is steady at about 23%. For many dioceses, including my own, our numbers are increasing due to immigration, but we face big challenges in evangelizing millennials. Many who don't go to church on Sunday still identify as Catholics presenting parishes with opportunities for evangelization.

Statistics don't tell the whole story but they are an important indicator that religion and religious practice, while still considerable, exerts less influence than formerly on how people apprehend and analyze the social issues of the day. At one time, the parish church or local congregation was a center not only for worship but also for education and social life. Today many parishes are vibrant in their faith, worship, and service, yet the centrality of the parish and other institutions as well has been relativized due in part to the individualizing influence of new ways of communicating and being entertained, especially social media. (Although we strive to have a robust presence in that world, the competition is stiff.) In this milieu, societal movements have emerged which strongly challenge what until recently had constituted a Judeo-Christian consensus on public morality. One thinks, for example, of the emergence of the LGBT rights movement and the redefinition of marriage, recently sanctioned by the U.S. Supreme Court. Churches deemed to be out-of-step with such developments are sometimes accused of bigotry and certain teachings are held to be 'hate speech.' It must be said that the clerical abuse of minors has caused immeasurable damage most especially to the children, young people and families impacted by the sinful and criminal acts of those ministering in the name of the Church. This horrific breach of trust has caused many in American society to view the Church differently and thus has diminished its influence on society.

Why should that matter, one might ask, in a nation that constitutionally guarantees fundamental human rights such as freedom of speech and religion? Should not churches and people of faith feel secure in a nation that holds our fundamental freedoms to come from God, not the state? Do not our founding documents say that it is the duty of the state to protect and foster those freedoms? As I see it, the answer to these questions is complex. On the one hand, a change in morals or a breakdown of a moral consensus affects laws, policies, and court decisions - all of which reflect societal trends. On the other, constitutional guarantees may help

moderate such trends, for law is an arbiter of culture. In the end, however, what supports the constitutional guarantees of our freedom is the societal consensus of “we the people” that these freedoms are a good thing and that, as an enlightened citizenry, we should employ these freedoms not only for one’s own good but indeed for the common good. When this societal consensus breaks down, as some would argue it has, then it is difficult for organized religion or religious people to rest secure.

In this time of rapid cultural change, religious freedom finds itself competing on a par or at a disadvantage with new rights and freedoms, some of which I have already mentioned. But this did not happen suddenly and it is difficult, if not impossible, to draw a straight line from any one given cultural phenomenon to any of the recent legal or judicial challenges to religious freedom. Rather, various cultural shifts over time form the ambience in which these challenges to religious freedom gain momentum. First these challenges begin to seem culturally and legally possible; then, over time they are seen by many as the right thing to do, and, finally, the *only* thing to do. Those individuals and churches that disagree can expect opprobrium.

What I am describing is a gradual process of secularization in American society. Here again distinctions need to be made. The United States, with the participation of the Carroll’s, was founded as a secular government without an established religion. Nonetheless, the founders recognized that having a religious society was important as a support, a pillar for democracy itself. Furthermore, secularity, understood as an “autonomous space” for human development and interaction is recognized as good by Church teaching. This autonomy does not exclude morality nor does it exclude the duty of interdisciplinary dialogue, including the dialogue of religion with science, technology, and the arts. As history and experience demonstrates this “autonomous space”, when properly understood benefits both church and society.

What seems to be taking hold in some quarters, however, is not healthy secularity but rather various forms of godless intolerance, whether it is, for example, intolerant atheism, or a secularism that is intolerant of religious beliefs, or political philosophies that rule out consideration of truth and goodness. Such ideologies can flourish in a secular society and in turn they also help to make society more secular, but not in a healthy way.

What specific challenges does this cultural ambiance give rise to? At the outset let me say that these challenges are not dramatic such as those faced by people the world over who are persecuted for their faith. No one in the U.S. is suffering bloody martyrdom (as at St. Etienne-du-Rouvray). And priests and nuns are not being thrown into jail for their faith. Fines have been threatened but so far not levied. Churches are not being shut down. On the surface, one might think it is business as usual and that all talk of religious liberty challenges in the U.S. is a gross exaggeration.

Yet a deeper look reveals serious challenges below the surface of American culture. Some pertain to the judicial interpretation of the separation of church and state. For much of U.S. history, the 1st Amendment to the Constitution was seen as a way of protecting religion from the overreach of the government. Since the late 1940's, the 1st Amendment has been consistently interpreted as a way of excluding religion from the counsels of government and especially from any form of government support for ministries like education. An early 1990's Supreme Court decision lowered the bar for government intervention in the internal affairs of religious organizations. Some politicians try to narrow the definition of religious freedom, reducing it to freedom of worship and thus not extending government protection to church ministries that serve the common good, such as Catholic charities. This redefinition has shown up in healthcare policies that would force objecting church entities to provide insurance coverage for contraceptives and abortifacients. Catholic charities adoption agencies have been driven out of business because of their policy of placing children in traditional families. The migration services arm of the United States Bishops' Conference was excluded from government contracts because of its adherence to Church teaching. In addition, faith-based colleges deemed to be "too religious" have faced headwinds in seeking to be reaccredited by official accrediting agencies. The media often promotes the view that religious liberty is merely a cover, a mask meant to hide the bigotry of religious groups and people that adhere to biblically based teachings on marriage and human sexuality. Thus, a sampling of legislative, judicial, & regulatory challenges to religious liberty.

Various responses to such mounting challenges are proposed. The first is to "declare war" on the government with the intention of winning. This is not likely to succeed

because most people of faith do not want such a war and because no religion has the resources to withstand the nearly endless resources of government. Nonetheless, at times the Church must strategically resist policies and even laws when they gravely threaten human dignity, the common good, or the Church's ability to fulfill its mission, including its mission of service. The second is the so-called "Benedict option" - a strategic withdrawal from the world in the hope of influencing the world through intentional communities that intensely pray, study, and live the faith. The third, which I favor, is to stay engaged - with patience, intelligence, and love - to study and pray but also to build bridges, even consensus wherever possible, to exercise what Cardinal Newman called 'an apostolate of personal influence' and to defend religious freedom mainly by evangelizing more effectively, while discerning carefully what battles have to be fought in the here and now.

Let me add that, some of these challenges have recently been addressed and to some extent mitigated by the current U.S. administration, While such mitigation is welcome, we should not imagine that such challenges will go away. They will continue to assert themselves in society and politics and inevitably, at some point, administrations change.

That said, as a citizen I remain grateful to God for the form of government created by the Founders, including the Carroll's. As a predecessor of mine commented, 'they built better than they knew.' In every age, our system of government, our society, and our freedoms experience tensions and challenges but also new opportunities. It is my hope that this generation and generations to come will have both the wisdom and strength to live up to the ideals embedded in our nation's founding documents. Thanks for inviting me and thanks for listening.