

Restoring freedom

By Catholic News Service

The backlash from a new Indiana law has been fierce, ranging from angry editorials to calls to boycott the state. The point of contention is Indiana's Religious Freedom Restoration Act, or RFRA, legislation intended to protect consciences by prohibiting laws that "substantially burden" freedom of religion, unless the government can prove a "compelling interest" when imposing such a burden.

As many commentators have pointed out, the law is similar to the federal RFRA, signed into law by President Bill Clinton, and to RFRAs on the books in 19 other states. Eleven more states have interpreted their constitutions to offer similar protections. Where Indiana's law differs from the federal law is that it offers conscience protection to for-profit businesses, and it offers protections in situations where the government plays no role (i.e. in the case of a photographer who wishes to decline taking photos at a same-sex wedding because it would violate her conscience).

Conscience protections have been at the center of other high stakes legislative and judicial activity in recent years, culminating in part last June with the Supreme Court's Hobby Lobby decision that ruled that closely held for-profit businesses could refuse to provide contraception and abortifacients to employees based on their religious convictions. Both critics and defenders of the Indiana law have been criticized for overstating their cases, but calls for a boycott and other threatened retaliation suggest a desire to make an example of Indiana, even as at least one other state considers similar legislation.

Claiming that the law can and will be used to discriminate against gays and lesbians, critics are also calling for added protections for the civil rights of the lesbian, gay, bisexual and transgender community. Indiana Gov. Mike Pence says he will "clarify" the law, which he signed March 26. (On April 2 Pence approved new wording that says in part that the law does not authorize a provider to refuse to offer accommodations, goods and services on the basis of race, gender, age, disability and sexual orientation.)

While supporters and opponents of same-sex marriage face off over RFRA legislation, it's important to note that this law goes far beyond this one issue. Our Sunday Visitor, which is involved in a lawsuit challenging the government's intention to force Catholic companies to provide contraceptives, sterilization and abortifacients, is particularly sensitive to the "substantial burden" that a government can place on religious liberty and freedom of conscience.

The legal record to date does not substantiate the claim that any RFRA countenances bigotry, but there are sure to be further lawsuits to determine if an individual or organization is acting to protect freedom of conscience or indulging in bias.

For Catholics and religious believers, however, the future looks increasingly threatening. Issues like contraception and in vitro fertilization are roiling the legal waters. Should the Supreme Court rule in June that states must legalize same-sex marriage, churches can expect to be back on Page 1 in terms of conscience protections regarding issues related to same-sex marriage.

Change is happening at breakneck speed. The position that President Barack Obama held on gay marriage only seven years ago is now treated as backward, bigoted and defenseless. Those who find themselves today defending the traditional understanding of marriage between one man and one woman have the option of either keeping quiet or facing public harassment. The space for public debate on this issue is narrowing, and those who hold dissenting views are being boycotted and bullied into silence. We encourage Catholics to speak up - with civility and love - in defense of religious liberty and freedom of conscience. The religious freedom and restoration acts are a necessary safeguard for the rights of all minorities.

This editorial is from the April 1 issue of Our Sunday Visitor, a national Catholic newsweekly based in Huntington, Indiana. It was written by the newspaper's editorial board.

The views or positions presented in this or any guest editorial are those of the individual publication and do not necessarily represent the views of Catholic News Service or of the U.S. Conference of Catholic Bishops.

To read more guest commentary articles, [click here](#).

Copyright (c) 2015 Catholic News Service/U.S. Conference of Catholic Bishops