

Editorial: How do we balance religious liberty and rule of law?

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If you could collect a dime every time U.S. media mention “religious liberty” between now and Election Day 2016, you could fund your own Super-PAC—or maybe even bankroll your own run for the White House.

We’re going to hear and read about religious liberty over and over and over. It will be the central cultural issue and pivotal point in practically every political contest, from county clerk to president.

Religious liberty has dominated recent debate on the two landmark cultural issues of our era—homosexuality and abortion.

Religious liberty took center stage when Rowan County, Ky., Court Clerk Kim Davis refused to issue marriage licenses to same-sex couples after the Supreme Court made homosexual marriage the law of the land. Davis insisted she could not violate what she affirms as God’s law in order to obey government law.

U.S. District Judge David Bunning ruled Davis in contempt of court and sent her to jail. He released her five days later, noting her deputies fulfilled their duty to issue marriage licenses in her absence. He warned her not to interfere with their subsequent provision of marriage licenses to all legally eligible couples.

Davis received international news coverage and instantly became a celebrity hero among conservative Christians who oppose same-sex marriage. Presidential candidates Ted Cruz, Mike Huckabee and Bobby

Jindal endorsed her stand. Expect to see her in the news and her story told in books and movies for months to come.

Davis' principle has been taken up by craftspeople—notably bakers, florists and photographers—who serve weddings. Christians in these trades who oppose homosexual marriage have resisted being required to work for same-sex couples. They stress their religious beliefs would be violated if they assist a gay or lesbian wedding.

The difference between Davis, an officer of the court, and wedding artisans is one of degree. If a baker, florist or photographer refuses to serve a same-sex couple, the couple must find someone else to make a cake, arrange flowers or take pictures. But if a clerk denies a marriage license, the couple cannot get married in that county.

A similar principle swirls around abortion. The Affordable Care Act—Obamacare—includes the contraception mandate, which requires employers that provide health insurance to their employees to cover some contraceptive costs in those insurance plans.

The Roman Catholic Church officially opposes all contraception, and some other Christians believe some contraceptives included in the ACA provisions cause abortions. Although churches are exempt on religious grounds, some religiously affiliated organization—including two Texas Baptist schools, East Texas Baptist University and Houston Baptist University—have resisted implementing this provision, as have some companies whose owners share these religious convictions.

In the so-called Hobby Lobby case, the U.S. Supreme Court ruled “closely held” private corporations whose owners religiously object to the law could be exempted. But the courts still are sorting out the case involving the Texas Baptist universities.

These debates over same-sex marriage and the contraceptive mandate turn

Baptists' historic understanding of religious liberty sideways, if not on its head.

For 400 years, Baptists have championed religious liberty. Because of our belief in the divine creation of all people and the ultimate sanctity of all consciences, Baptists have fought for religious liberty for all people, not just ourselves.

That advocacy expressly argued for free religious practice—such as worship and other rituals, weddings, clothing and other physical fidelity to religious belief, and ecclesiastical governance.

Those standards remain firm and high. For example, Texas congregations are [protected three ways](#) from being required to perform or host same-sex weddings.

Now, however, some Christians are claiming “religious liberty” should enable them to ignore secular laws that govern their secular jobs. They are not asked to condone others' actions—particularly same-sex marriage—but simply to uphold the law. No one is denying them free exercise of their faith, but others are asking them to do their jobs.

Should people engaged in secular work—whether it's issuing a license, baking a cake, making a bouquet or taking pictures—be exempted from the law because they disagree with it? They're still free to practice their faith, but the law of the land insists they afford others that right, too.

Christians—and people of other faiths, as well—who disagree with cultural/legal changes in our society can choose from four basic options:

- *Do something else.*

Every day, people leave jobs because they cannot continue in good conscience, they cannot find happiness in the current job, or they want to

seek fulfillment in another task. This may be true for people who find themselves in a cultural impasse. Perhaps a closed legal door will lead them to seek another open door of meaning and opportunity.

- *Pay the price of opposition.*

If, for example, Davis or another county clerk continues to oppose issuing marriage licenses to homosexual couples, jail time, a prison sentence, a fine or possibly dismissal very likely will follow. Myriad people of faith have accepted a measure of martyrdom for their convictions. Humble acceptance of judicial process is principled and noble.

But they shouldn't expect others to agree with them. Their allies will call them saints; their adversaries will say they're deluded. And they're not necessarily "persecuted" because they receive the consequences of violating laws.

- *Change the system.*

Life in a democracy means things may change. They can work for new laws or new interpretations of old laws. If they seek egalitarian justice within the framework of their beliefs, they can seek legislative or judicial solutions that accommodate the beliefs of parties on both sides of the cultural divide.

- *Obey the law.*

We live under the rule of law, and obeying the law shows respect for the state and nation, not necessarily agreement with the law. A Christian or person of other faith can follow the law even while stating disagreement. This, too, is noble.

Jesus told a crowd of his followers and Jewish leaders, "So give back to Caesar what is Caesar's, and to God what is God's" (Matthew 22:21).

The Apostle Paul advised, "Remind the people to be subject to rulers and

authorities, to be obedient, to be ready to do whatever is good, to slander no one, to be peaceable and considerate, and always to be gentle toward everyone" (Titus 3:1-2).