

AlbertMohler.com —

The Supreme Court Speaks: A Major Victory for Religious Liberty



Thursday, January 12, 2012

On Wednesday, the Supreme Court of the United States handed down one of the most important decisions on religious liberty in recent decades. For the first time, the Court held that there is indeed a ministerial exemption that allows churches and religious organizations to discriminate in ways that other employers cannot. The Court's decision was unanimous, and the affirmation of religious liberty and the right of churches to hire religious teachers without state interference is fundamentally important.



The case emerged when a teacher in a Lutheran church school in Michigan was terminated by the church. She sued, and the Equal Employment Opportunity Commission [EEOC] sided with her, bringing a suit against the church. The teacher was a “called teacher” in the church’s program, which meant that she had the responsibility to teach the church’s beliefs. The EEOC and lower courts had held that there is no ministerial exemption that would force the EEOC to drop the case. Writing for the Court, Chief Justice John Roberts rejected that logic, calling the view put forth by the EEOC and the Obama Administration “remarkable.”

The Chief Justice reviewed the history of religious liberty in the United States and England, noting that the founders of the United States wanted to ensure that the state could not interfere in the churches' hiring of ministers. Pointing to the First Amendment of the U. S. Constitution, Roberts wrote: "The Establishment Clause prevents the Government from appointing ministers, and the Free Exercise Clause prevents it from interfering with the freedom of religious groups to select their own."

Directly rejecting the arguments of the EEOC and the findings of the lower court, the Chief Justice stated: "We cannot accept the remarkable view that the Religion Clauses have nothing to say about a religious organization's freedom to select its own ministers."

He also wrote: "The interest of society in the enforcement of employment discrimination statutes is undoubtedly important. But so, too, is the interest of religious groups in choosing who will preach their beliefs, teach their faith and carry out their mission."

In a concurring opinion Justice Clarence Thomas argued that the Court should have gone further, granting to religious organizations the sole and final authority to determine who is and is not covered by the ministerial exemption. Justices Samuel Alito and Elena Kagan wrote a second concurring opinion, arguing that the issue of ordination should not be the determining issue, since ordination practices, titles, and other designations of ministers differ by church, denomination, and religious group.

In his opinion, the Chief Justice also stated clearly that the EEOC has no right to declare that a church has wrongly terminated a minister. In his words, "it is precisely such a ruling that is barred by the ministerial exemption."

By any measure, this is an important and vital decision. One way to consider its importance is to ponder what the opposite finding would have meant. In this case, this would mean that there is no ministerial exemption, and that churches, church schools, Christian colleges and seminaries, and any number of church-based employers, would be forbidden to hire and fire on theological and doctrinal grounds.

In other words, the Government would be able to direct and limit churches and church schools in matters of hiring those with teaching and ministerial responsibility.

This would mean, effectively, the end of religious liberty. Thankfully, the Court preserved religious liberty, and did so in an opinion that is clear in its findings and declarations. Add to this the fact that the decision was unanimous — and be thankful.

I am always glad to hear from readers. Write me at mail@albertmohler.com. Follow regular updates on Twitter at www.twitter.com/AlbertMohler

The entire Opinion of the Court in the case, *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*, along with Concurring Opinions and the Syllabus, are [available here](#).

Content Copyright © 2002-2012, R. Albert Mohler, Jr.

