Matija Medved

Why pluralism matters

By Tish Harrison Warren

The day the Supreme Court's Obergefell v. Hodges ruling came down in 2015, establishing a constitutional right to same-sex marriage, I called one of my dearest, oldest friends, a fellow writer, who is gay, married and lives in Oklahoma. Our conversation was over two hours long and one of the most vulnerable, loving talks we have ever had. I said to him, "Tell me every way this ruling makes your life better."

One story he told sticks in my memory. A few months before, his husband, Brian, went to the emergency room with a serious cardiac condition. My friend told me that on the way to the hospital, amid this horrifically scary situation, one other fear whispered in the back of his mind. He was going to a Catholic hospital. What if the hospital policies didn't permit him to be with Brian in the E.R. or the I.C.U.? This ruling, he told me, lessened that fear.

I want my friend and all people to be able to have this assurance in times of crisis, and we need laws ensuring that's the case. My friend knows that though I respect secular same-sex marriage, I am a priest in a denomination that understands holy matrimony to be the spiritual and sexual union of a man and a woman and that I would not preside over a same-sex wedding.

Near the end of our conversation, I said: "I will genuinely celebrate with you that you have less to fear. And will you promise to write on my behalf if my church or my kids' Christian school ever loses its tax-exempt status over opposition to gay marriage?" He laughed and said he would.

I think of that phone call often. The spirit of that conversation — a spirit of mutual love and honesty, a spirit of reaching however clumsily across differences to support one another, a spirit that doesn't expect agreement and works for peace — is rare when it comes to national debates around religious liberty and gay rights. Yet it is what is needed if our nation is to hold together.

This week, the Supreme Court will hear a case that will reignite a continuing conversation about what to do when long-established religious convictions clash with gay people's civil rights. In 303 Creative LLC v. Elenis, a Colorado web designer, Lorie Smith, wants to create websites for clients' weddings. She is a Christian, and because of her religious beliefs, she does not want to offer these services for same-sex weddings. However, she serves L.G.B.T.Q. customers for other design projects.

This week's legal arguments will most likely focus primarily on questions around free speech: Can the government compel artists or designers to express messages that contradict their beliefs? In the public discourse more broadly,

though, this case, like the Masterpiece Cakeshop case in 2018, poses a question to us as a culture: How committed are we to true pluralism?

Pluralism is not the same as relativism — we don't have to pretend that there is no right or wrong or that beliefs don't matter. It is instead a commitment to form a society where individuals and groups who hold profoundly different and mutually opposed beliefs are welcome at the table of public life. It is rooted in love of neighbor and asks us to extend the same freedoms to others that we ourselves want to enjoy. Without a commitment to pluralism, we are left with a society that either forces conformity or splinters and falls apart.

Millions of Americans have irreconcilable views of sex and marriage, and this is unlikely to change any time soon. The historic teaching of the Christian faith is that holy matrimony is between a man and a woman. The Roman Catholic Church still holds to this definition, as does Eastern Orthodoxy, the majority of Anglican churches worldwide and most Protestant denominations in the United States and elsewhere. A majority of Muslim and Jewish communities around the world hold a similar definition as well.

At the same time, since the Obergefell decision, the right to marry a person of either sex is the law of the land, which people have built their lives and families around. And there are millions of people in this country who identify as L.G.B.T.Q.: Just over 7 percent of American adults identify this way, with percentages substantially higher among younger adults. Many find Christianity's historic stance painful, if not destructive.

L.G.B.T.Q. rights versus religious freedom threatens then to become a war of all against all. But it need not be. We must find ways to preserve and protect the civil rights of gay people while also allowing religious people who adhere to historic teachings on sex and marriage to freely practice their faith.

Sustaining pluralism becomes more difficult when we conflate disparate issues or societal clashes — if, say, we completely map the current conflict over gay rights and religious liberty onto civil rights decisions about racial discrimination and Jim Crow. This view assumes that opting out of designing a website for a same-sex wedding is legally and ethically identical to refusing to serve Black customers. We saw a comparison like this in the oral arguments for Obergefell, and I've heard it many times since. It equates individuals or

organizations who hold longstanding religious beliefs on sex and marriage with white supremacists.

Claims of religious liberty were undeniably used as an excuse for racial discrimination. If the analogy holds between racial discrimination and declining to provide services for a gay wedding, then there is no debate to be had. We cannot "both sides" opposition to Jim Crow.

However, the right analogy is crucial here, and correct distinctions are critical. In order to justify racial violence and oppression, white people in America and Europe essentially invented a novel theology, baptizing white supremacy. It was racism in search of an ethic. Sexual ethics, by contrast, are named and addressed in religious scriptures in specific terms. Unlike white supremacy, religious teachings regarding sex, including prohibitions on extramarital and premarital sex, pornography, lust and same-sex sexual activity have been part of the Christian faith from its earliest days. This is not an aberrant view rooted in bigotry but a sincere belief that flows from ancient texts and teaching shared by believers all over the world.

Of course, one can think that these scriptures and the historic beliefs of Christianity are wrong, that they have been understood incorrectly, that they need to be reinterpreted in light of modern insights about sexual orientation and same-sex relationships, or that they are simply antiquated and irrelevant. Those are important arguments currently being had by essentially every major religious group on earth. Beyond that, religious conservatives could make a solid case that people have a moral duty to offer hospitality to those who hold different beliefs and should therefore bake the cake or make the website. But a commitment to religious liberty means that the government should not choose a side in these intrafaith debates. One doesn't have to agree with a particular religious belief in order to affirm that law-abiding people have a right to live according to their conscience.

And there is a vital distinction to be made between general discrimination against a group and declining to participate in an act one finds immoral. Ms. Smith serves gay customers. She would not refuse to build a website for someone simply because the person is gay. She specifically does not want her services to be used as part of a celebration of a same-sex wedding. We make

similar allowances for other ideological differences. A pro-choice artist should not be compelled to make a logo for a pro-life rally. A progressive party planner should not be required to take on a Trump PAC as a client. A gay web designer ought not be forced to create a site promoting a conservative church.

I'll lift one more analogy from my own life. Though an admittedly imperfect comparison, let's take women's ordination. I am a woman and a priest, and both of these identities are a key part of who I am. I came to believe in women's ordination after years of study and wrestling with church teaching, but I acknowledge that, to say the least, supporting women's ordination is a minority position in the history of Christianity.

I know people who oppose women's ordination out of misogyny. Yet I also know people who care about women, who are kind, who have been generous to me, but because of their interpretation of scripture — because of their sincerely held religious views — do not support women's ordination. I have friends who would not recommend me for ordination or come to my ordination ceremony.

I disagree with them, yet I would not want to use the power of the state to force a website designer or an event planner to provide services for my ordination ceremony. I do not think that, say, a conservative Catholic silversmith should be forced to sell me a chalice to celebrate the Eucharist or a conservative Baptist baker forced to make a cake for my ordination reception. Yet, if that same silversmith refused to sell me earrings or the baker refused to sell me a muffin on a Tuesday afternoon, that would be a violation of rights. There is daylight between my protected class as a woman and a ceremony celebrating women's ordination.

We therefore can — and must — ensure that all people have general access to goods and services, regardless of their identity, while also ensuring that people are not forced to participate in a service sacralizing that which they do not find sacred. I don't have to agree that women's ordination is wrong to believe that people should not be compelled to participate in it.

We need the law to act as a scalpel, not a sledgehammer. Gay people must be protected from discrimination in secular employment, housing and health

care. We need to ensure that gay people can continue to be legally married and live according to their deepest values. We also need to ensure that religious people are not compelled to participate in an event or voice approval of a marriage they object to and that they can form churches, schools and other ministries in line with their beliefs. Churches ought not look to the government to enforce their views of morality. At the same time, those who celebrate same-sex marriages must leave room for people who have a different vision of sexuality to work and live according to their beliefs.

Though what the courts decide on these issues is important, the courts alone cannot teach us to be good neighbors to one another across deep difference. That is a lesson that we must each take up. We must not demonize or seek to dominate those with whom we disagree. We must learn to live together and wade into complex social issues with mutual charity.

There really are people who want to marginalize or mock L.G.B.T.Q. people and eradicate laws protecting their marriages and civil liberties. There really are people who want to marginalize religious people, shut down their schools or nonprofits and sideline them from public life. And this week, as 303 Creative v. Elenis dominates headlines, both groups will most likely be loud in our public discourse and on social media.

Still, I think a majority of people — including many gay people and many theologically conservative religious people — want to live in a society where they and others, even those with whom they deeply disagree, can live the lives they desire and practice, proclaim and pass on what they believe. This is the promise of pluralism. It's a promise that different communities with conflicting narratives and ideologies are allowed in society and public life. It is a promise worth keeping.

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