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Abp Lori Opens the Fortnight

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Distinctly Catholic

The Fortnight for Freedom kicked off Friday night with a Mass at the Basilica of the Assumption in Baltimore. As I wrote last week, I do not like it when Masses are turned into political rallies, although I must confess that this year, the rhetoric was less heated than last, less of a focus on the culture wars and more of a focus on the good the Church does in society. This is a welcome change in tone.

The change in tone, however, did not obliterate some of the difficulties in the arguments being put forth by Archbishop William Lori who chairs the USCCB's ad hoc committee on religious liberty. Part of the problem is the archbishop himself. Every time I listen to him I am reminded of Anthony Collins' famous quip delivered against an early eighteenth century Anglican divine, Dr. Samuel Clarke, that no one had doubted the existence of God until Dr. Clarke tried to prove it. His speech is without passion and, when he does become passionate, it always seems misplaced. There are jumps in logic, claims that only ring true if you believe a subset of unmentioned and highly questionable theories, the intimation of a grand narrative of dread with no experiential evidence to justify the narrative or the dread.

Archbishop Lori began by invoking Sargent Shriver, who was a great man to be sure, but it was not clear why he was being held up as an example except that, as a Democrat, presumably he leveled the playing field. Later, Lori invoked Cardinal Hickey whose ideological moderation and avoidance of the limelight were as well known as they are little imitated by his one-time assistant. At least his quote from Hickey rang true, recalling that when the late cardinal was asked by the Church poured so much money into inner city schools and charities that helped non-Catholics, Hickey replied, "We don't help them because they're Catholics. We help them because we're Catholic." This was what the administration failed to understand in issuing its first iteration of the HHS mandate which sought to draw a distinction between our houses of worship and our ministries.

Lori argued that the administration is continuing to "slice and dice" the Church between its "worship wing" and its "service wing." I think this was true so long as the four-part definition of what constituted an exempt organization was part of the mandate, but in the latest iteration of the rule announced in February, that four-part definition was removed. It is stunning — and a question the bishops should be asking their staff — why so much attention was focused at last year's Fortnight on that four-part definition, it went away, yet we are still not happy.

Lori said that the mandate was part of a broader movement to limit religious freedom to religious worship. I see no evidence of this and never have. This is a right-wing talking point pure and simple. Fox News latched on to the fact that in some speeches, not all, administration officials talk about the "freedom to worship" not "religious freedom," the latter category being broader. I think the archbishop is mistaking a rhetorical turn-of-phrase for an ideological agenda. Was anyone alarmed when Franklin Roosevelt spoke of the four freedoms and used the phrase "freedom to worship"?

There is a conflict, and a difficult one to navigate, when the Church provides social services, in part with government funding, in areas like adoption services and the government's insistence that gay couples not be discriminated against runs into conflict with the Church's teachings. In this instance, by the way, I think the authorities in Rome are wrong: The key consideration in adoption should be the good of the child, not some hypothetical good, but what here and now works best for this child. For example, every attempt should be made to keep a child in foster care somehow connected to the extended family, so that the links that are currently strained or broken might be renewed. What if the closest blood relative able to care for the child is a gay uncle? And, what if they decide that for a variety of legal reasons, adoption is preferable to simply fostering the child? But, to be clear, while I think the Church is wrong to say it will never consider facilitating adoptions by gay couples, I do think the Church should be permitted to perform adoptions on its own terms, even if those terms are wrong. Religion is singled out in the First Amendment for a reason. Religion plays a different role in society, a deeper role, than other social actors. Conscience exemptions for religious institutions should be broad and I still wish the administration had been less ham-fisted in this whole HHS mess.

Which comes to another troublesome part of Archbishop Lori's speech. He again spoke about the right of private employers to live out their faith in deciding how to run their businesses, and he did so without recognizing the balancing act that is required in assessing such situations. First, just because an owner has the legal title to a company does not allow him or her to do whatever they want with that company. Employees have rights, municipalities have zoning requirements and safety regulations, and the federal government quite rightly prohibits business owners from doing whatever they want, even if those wants are dictated by religious belief. We must remember, even though Archbishop Lori would apparently prefer to forget, that in the 1950s and 1960s, lots of white southerners appealed to their religion as the basis of their commitment to segregation. You may argue, and I would agree, that the HHS mandate is a bad law while the Civil Rights Act is a good one, but that is not a religious liberty argument. I think it is also telling that not once does Archbishop Lori or his confreres speak about the rights of workers vis-à-vis the owners. The narrative here is at least consistent, accepting right-wing talking points across the board.

But, the most troublesome part of Archbishop Lori's sermon was its almost complete lack of spiritual sensibility. He alluded to the Scripture readings — and Lord, how hard would it have been to find a native Spanish speaker to undertake the first reading in Spanish instead of the Anglo who haltingly tried to navigate the text? — but they were used as proof texts, there was no attention to the richness of the text about giving unto Caesar, no examination of the difference between freedom as Americans understand it and as Catholics understand it. This last is a critical point. As Professor David Schindler argued in *Communio* and I have argued repeatedly in these pages, if we make this fight about the HHS mandate a

fight about conscience rights, we will lose because the culture, and the Constitution, mean something different by freedom from what we mean by freedom, and our culture most obviously means something different by conscience from what we mean. Archbishop Lori is not dumb. He knows that he is playing with fire by invoking conscience rights without a host of qualifications. He chooses not to see this, maybe because during last year's campaign the strategists thought such complications would hurt, maybe because the lawyers do not want the bishops admitting that there are profound complications in the arguments they are putting forth at bar. It is not the first time, and it won't be the last, that people have forgotten that the lawyers work for them and not the other way round.

The whole Mass had the feeling of a subdued rally, better than last year's to be sure, but still, not appropriate for a sanctuary. At the end of the Mass, as Archbishop Lori listed more activities for the people to join, he sounded like a camp counselor, which is fitting adjectivally, but he was wearing a pallium and men who wear a pallium should provide counsel in First Corinthians, not the First Amendment. I wish this whole Fortnight business would just go away.

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