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Strange bedfellows: religious liberty and neoliberalism

Gerald J. Beyer | Feb. 15, 2012

COMMENTARY

Is the fight really about religious liberty, or is it about neoliberalism completely eradicating the hard-won social protections of workers and the poor?

The United States Conference of Catholic Bishops has been sounding the alarm about the alleged attempt of the administration of President Barack Obama to destroy religious liberty.

A number of recent decisions, particularly the HHS rule requiring all employer-based insurance plans to provide contraception, sterilization and so-called emergency contraception free of charge, sparked the ire of the bishops and many others, including some Democratic lawmakers and progressive Catholics. For the record, I am one of them.

Some of those angered by the HHS rule have lauded the recent Supreme Court decision in the Hosanna-Tabor case, arguing that it was a victory for religious liberty. Former ambassador to the Vatican and law professor Mary Ann Glendon writes [1]:

"The legal picture was brightened somewhat by the Supreme Court's decision in January in the case Hosanna-Tabor Church v. Equal Employment Opportunity Commission, which unanimously confirmed the right of churches to select their own ministers and religious leaders without governmental interference. But religious individuals and institutions continue to face assaults on their constitutional rights from several directions."

Glendon understandably wants to preserve the rights of religious institutions to perform their work without excessive governmental interference. However, it is odd that an esteemed scholar of human rights would herald this as a victory when the Court's ruling justified a woman losing her job as a teacher because of a disability. In my judgment, the right to religious liberty should not exempt any institution from anti-discrimination employment laws.

I would suggest the Hosanna-Tabor case should be seen as a victory for the neoliberal agenda, not for religious liberty. Most observers seem to overlook this fact.

The neoliberal agenda,

Pope John Paul II characterized neoliberalism as follows:

> "More and more, in many countries of America, a system known as 'neoliberalism' prevails; based on a purely economic conception of man, this system considers profit and the law of the market as its only parameters, to the detriment of the dignity of and the respect due to individuals and peoples. At times this system has become the ideological justification for certain attitudes and behavior in the social and political spheres leading to the neglect of the weaker members of society. Indeed, the poor are becoming

> ever more numerous, victims of specific policies and structures which are often unjust." (*Ecclesia in America*, no. 56 [2])

The Latin American Jesuit provincials maintained that neoliberalism is "a radical conception of capitalism that tends toward an absolutist view of the market, transforming it into the means, the method and the end of all rational and intelligent behavior." In Poland, where neoliberalism took hold after 1989, the Catholic bishops criticized neoliberal capitalism for absolutizing profit and economic freedom while ignoring the ethical and religious dimensions of freedom.

Practically speaking, rejecting freedom realized in solidarity with others in favor of neoliberal economic freedom (i.e. freedom from governmental interference in the economic sphere) leads to a sink-or-swim attitude in the realm of socioeconomic policy. Privatization of all government services, including social services, and deregulation of all facets of the economy, including labor and environmental laws, is the end goal. Workers are also seen as dispensable and in need of heavy-handed corporate managers to squeeze productivity out of them. The mantra is "more for less": more productivity for less pay and fewer benefits.

In the American context, neoliberal economic ideology and conservative social ideology go hand-in-hand. (Although to be fair, some Democrats have also bought into it.) In an essay titled "Inequality and the Politics of Neoliberalism in the United States," Francis Fox Piven describes how conservatives started a rigorous campaign in the 1970s to roll back the social and economic reforms of the New Deal and Great Society.

Georgetown University labor historian Joseph McCartin [3] has demonstrated in his book *Collision Course* that Ronald Reagan's firing of the PATCO workers in 1981 greatly accelerated the neoliberal revolution in the United States. Since then, the number of workers who have utilized strikes as a bargaining mechanism has dramatically dwindled, as private companies followed Reagan's lead by simply replacing striking workers.

Inspired by Reagan and the atheistic "sages" of neoliberalism, F.A. Hayek [4] and Ayn Rand [5], today's neoliberals (social conservatives and libertarians in the U.S.) such as Paul Ryan [6], John Boehner, Scott Walker and John Kasich want to finish the agenda of destroying unions and dismantling the social safety net for which so many of our ancestors struggled. Their agenda is completely at odds with Catholic social teaching on worker justice and the preferential option for the poor, as they have been reminded by Catholic scholars [7].

As Christian ethicist C. Melissa Snarr contends in her book on the living wage movement, neoliberals notoriously use "wedge issues," commonly known as "culture war" issues, such as abortion and gay rights, to divide Christians who might otherwise stand together against the neoliberal economic agenda. Stoking racial tensions between workers of color and white workers has also been used in this way. Perhaps at this point, we should add religious liberty to the list. Religious liberty, of course, is a rightly cherished value -- but we should be wary when it is used as a wedge issue or as an excuse for running roughshod over the rights of others.

The consequences of the neoliberal revolution have been disastrous. As economist Robert Reich points out in *Aftershock*, even though worker productivity has steadily risen since 1947, the median wage for males -- about $45,000 in 2007 -- is *less* than 30 years ago, adjusting for inflation. For females, who still earn 77 cents for every dollar males earn, the median wage is considerably lower. The minimum wage plummeted in real value and was stuck at $5.15 until 2007. American families work 500 more hours than they did in 1979, but they barely earn more than they did then. Meanwhile, the top 1 percent and 10 percent of earners took home ever-increasing shares of the national income, peaking at 23 percent and 50 percent respectively. The average CEO now makes almost 300 times what an average worker earns.

More than 46 million Americans live in poverty. Among working age adults, three-quarters of the poor work [8] but do not earn enough to stay above the federal poverty line. More than 50 million people do not have health insurance. As a result, 220,000 people will die needlessly over the next decade [9].

In addition, the United States ranks below Cuba and Estonia, as well as 38 other countries, in preventing infant mortality [10]. About 6.7 million households experience hunger because of a lack of economic resources. Minorities suffer disproportionately from each of these social ills, as racism and poverty constitute "overlapping threats to the common good," as a recent Catholic Charities USA report puts it [11]. American workers are continually exposed to occupational hazards, as a weakened OSHA has become inept at ensuring workplace safety.

"Unionbusting" in the U.S. has dwindled union membership to 8 percent of the private work force. Thus, workers' ability to fight for better wages, benefits and working conditions has been almost completely eviscerated.

When religious freedom and neoliberalism align

It is in this context that we should understand the Hosanna-Tabor decision. Moreover, it is not the only case in which the mantle of "religious liberty" serves the neoliberal agenda of breaking the back of workers.

In a case involving Manhattan College and the National Labor Relations Board [12], the university's administration claims that its ability to fulfill its mission as a religious institution is being hindered because the NLRB has ruled it must allow its workers to unionize.

In other words, the argument is that allowing disgracefully underpaid adjuncts to unionize violates the religious liberty of this Catholic university. The Association of Catholic Colleges and Universities agrees with Manhattan College. However, anyone vaguely familiar with Catholic social teaching on worker justice recognizes the irony here. How can a Catholic institution claim its religious identity is being threatened when Catholic teaching itself has unequivocally upheld the right to unionize [13]?

The answer is money. It's all about money.

Should Catholic institutions be exempt from their own teaching on just wages and the right to unionize? The answer is yes, if you are a neoliberal Catholic.

If the bishops want to continue to fight for religious liberty, it is incumbent upon them to recognize the ways in which the case for religious liberty is being abused. Where does the right to religious liberty end? Will the bishops, or other Catholic employers, argue that Catholic universities, even though they are formally corporations run by secular boards -- which places them under the jurisdiction of the National Labor Relations Act -- have the right to fire professors who do not attend Mass and go to confession? Should Catholic hospitals be able to fire employees who are openly gay? What about the conscience rights of those who disagree with Catholic doctrine? Do the bishops yearn for a return to the "error has no rights" era?

Fortunately, the Catholic tradition has eschewed this position and elaborated principles dealing with the appropriate relationship between moral law and civil law and cases when religious tenets of Catholicism clash with the rights of citizens. As David Hollenbach and Thomas Shannon have recently reminded us [14], these principles do not construe every instance of civil law conflicting with the church's teaching "as a direct threat to Catholic religious freedom." From Augustine to Aquinas to Vatican II, Catholicism has never held that the entirety of the moral law -- the Church's moral teachings -- must be reflected in civil law. The bishops would do well to recall these principles in their present deliberations.

In addition, the bishops must clarify where the right to religious liberty ends and where the neoliberal assault on workers and the poor begins. Would expansive religious exemptions and conscience clauses give cover to religious employers who simply wish to fire workers at will?

While the bishops are waging their battle against the Obama administration, Republicans in Washington and throughout the land are dismantling a century's worth of workers' rights and social protections. The bishops have at times recently spoken up for the rights of workers and the cause of the poor, but their statements have been muted by their more vociferous efforts in the fight over religious liberty and the media clamor surrounding it.

The USCCB is not dominated by neoliberals among its ranks. The bishops endorsed the Circle of Protection [15] , which aims to spare the most vulnerable in our society from the draconian budget cuts proposed by Republicans. Archbishop Timothy Dolan, president of the USCCB, has urged bishops and priests [16] to teach and preach "on behalf of the poor" during these difficult times. All of the bishops know very well that Pope John Paul II and Pope Benedict both clearly argued that neoliberalism is incompatible with Catholic social teaching. Nonetheless, the bishops' winner-take-all stance regarding religious liberty, exemplified by their rejection of Obama's reasonable compromise on the mandate requiring contraception, puts them in jeopardy of being co-opted by Republicans who continue their assault on workers and the poor.

Conspicuously, Boehner and the Republican presidential candidates quickly jumped on the bandwagon to join the fight against Obama's reputed war against religious freedom once they saw the president was losing support over the HHS ruling. The leadership of the Catholic Health Association, Catholic Charities and liberal Catholic intellectuals once joined the bishops in their opposition to the HHS mandate. However, these groups have all lauded the compromise [17] recently reached by the Obama administration, which would allow religious employers to refuse to provide plans covering contraception, sterilization and "morning-after pills," instead requiring insurers to provide separate provision of these services. At this point, it looks like the bishops have few remaining public allies apart from neoliberal conservatives.

The USCCB runs the risk of appearing to be complicit with those who will finish the neoliberal agenda if they get complete control of our nation's government. They also run the risk of appearing tone-deaf to the causes of the suffering of the poor and downtrodden workers in the United States today. That would be a shame, because as Blessed John Paul II reminded us, standing in solidarity with the poor and with workers by promoting their rights to work, health care, a just wage, unionization, collective bargaining and safe working conditions is a necessary sign of "fidelity to Christ," who "himself was a man of work, a craftsman like Joseph of Nazareth."

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