

## After The Brewer Veto of SB 1062

Michael Sean Winters | Feb. 28, 2014 Distinctly Catholic

Mark Silk, as we have come to expect, puts his finger right on the central fact of the recent conflict in Arizona between proponents of more expansive religious liberty rights and proponents of non-discrimination. [He writes](#) [1] of Governor Brewer's statement announcing her veto of SB 1062:

*Public understanding would have been better served had she acknowledged that there are indeed Arizonans who, on religious grounds, want to be able to refuse to abide by those city ordinances that prohibit discrimination on the basis of sexual orientation. She should then have gone on to say that, nevertheless, when it comes to business transactions, non-discrimination is a compelling public interest that needs to prevail over a religiously based desire to withhold goods and services.*

*She could then have pointed out that there are other circumstances, such as when a church hires employees, where the resolution ought to be in favor of religious liberty. And said in conclusion that we need to be honest and admit that even in the best of societies, such as the great state of Arizona, there will be times when one core value has to be sacrificed for the sake of another.*

I might quibble with the verb "sacrificed" and prefer to see the task of our polity as one of balancing, but Silk's core point is spot-on: The conflict here is between two things we value, religious freedom and non-discrimination, and there are times when commensurate values do not cohere and it falls to our political and legal structures to find a way forward.

If you listen to the advocates for either side, however, they do not usually frame the debate this way. To proponents of the Arizona law, the forces of secularism, possessed of a "gay agenda," working on behalf of, or in concert with, "cultural elites," are hell bent on destroying religious liberty. To those who successfully urged Governor Jan Brewer to veto the bill, those who are concerned about traditional marriage are just a bunch of bigots, religious liberty is not threatened if it keeps to its own precincts, and they are quite prepared to limit the reach of the First Amendment when it comes to religion, even while advocating for expansive understandings of the other right enumerated in that amendment.

As I wrote earlier this week, but feel the need to return to, the advocates of religious liberty did themselves no favors by pushing for this Arizona law. By refusing to admit that what most gay people want is not a religionless society but the right to be treated like everybody else, the religious liberty zealanti really did appear like bigots. Not once did I hear one such advocate mention that homosexuals are a group that has faced monstrous discrimination in the past. Not once did I hear an advocate mention that the Catholic Church opposes "unjust discrimination" against gays. And, to [watch former Virginia Attorney General argue](#) [2] that no religion sanctions the discrimination of blacks, well, what to say: Mr. Cuccinelli needs to examine the not too distant past of his home state where many Bible-believing Christians could cite line and verse from the Good Book that they interpreted as justification for segregation.

Conversely, there seems no sense among the gay advocates who appeared on the various talk shows that religious liberty really is a core value. One "legal expert" whose name I can't remember talked as if religion

was only, and exclusively, a private matter, little understanding that such an understanding of religion is not universal, that indeed, such an understanding flows from a specifically Protestant understanding of religious faith and is, just so, if it were to be adopted, a form of Establishment. As well, you would think that those who belong to a minority would be suspicious of any attempt at government-mandated uniformity except for the most pressing government interests, that the homogenization of society, over time, tends not to work out very well for members of a minority community.

It is ironic that the community in Arizona that seemed to tip the balance against the proposed law was the business community. How many conservative Catholic apologists for the free market mention the Church's teaching on a living wage but then quickly add the qualifier, "if market conditions permit," as if there is something sacrosanct about an economic law but not a civil anti-discrimination law. And, gay groups should be aware that while studies indicate gay men and women tend to rank at the higher end of the disposable income scale, and so attract the self-interested concern of the business community, those who really wish to rid our culture of discrimination need to be concerned about poor racial and ethnic minorities, living in the inner city, who face more serious forms of discrimination, in the marketplace and in the judicial system. Trayvon Martin was not killed, nor was his family denied justice, because he wanted to have someone photograph his gay wedding.

The Catholic bishops of the United States also need to ask some searching questions about their stance on the religious liberty issue in recent years. To the extent they look at our culture solely through this lens, they will get a distorted vision. To the extent they do not have actual conversations with actual gay people, they will get a distorted vision. To the extent that they demonize those who balance the various interests as political enemies, rather than people with whom we disagree, they will get a distorted vision. Is anyone else tired of the pigeonholing of politicians based on how they react to this one issue. I am pretty sure that California Senator Diane Feinstein would have voted against the kind of law that was proposed in Arizona, but I also note in this morning's paper that, like many members of Congress, Feinstein dedicated that part of her salary received during the government shutdown to charity. Her charity? The Consortium of Catholic Academies. Pigeonhole that.

When people bring their faith into the public square, as I believe we Catholics must, we must do so with some measure of sensitivity that many of those we encounter in that public square do not share our views or our values, and that they will not likely respond to our natural law syllogisms. We are right to worry about a set of circumstances that could lead to the public square becoming hostile to religion. I think we should be more worried about the public square becoming indifferent to religion. But, either way, our worry should not require a stupid political strategy of endless confrontation, nor should it require us to align ourselves with people who really are bigots. If you doubt that the Church can not only inhabit the public square but win there, then please explain the "Francis Phenomenon" to me. Unfortunately, many in the Church in the U.S., including those who are clad in miters, are less than enthusiastic with our pope and, instead of following his lead, they grumble in private. Wake up people or, some day, your religious liberty really will be threatened, and you will have no one to blame but yourselves.

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