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### July 10, 2014: The Basic Orientation of Secular Society to Religious Exemptions

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7/10/2014—On the heels of Hobby Lobby, there is now a controversy over discrimination against gay people. President Obama is considering an executive order banning discrimination based on sexual orientation and gender identity and there has been proposed somewhere in Congress the Employment Non-Discrimination Act that would do the same nationwide. First question—are exemptions for religious people generally a good public policy? I believe the answer is yes, but that position is now being challenged in the legal academy. Second—does business have anything to do with healthcare? We see increasingly that it does not. The practical problem pushing religious exemption issues is that businesses and even nonprofits have to endorse healthcare policies for its employees that are really none of an employer's business. How many conservative religious groups are now willing to endorse single-payer healthcare as a way out of the religious exemption problem? (in the long run). Third—is there any basis on which profit-making businesses should be allowed to discriminate in their work forces because of religious beliefs? I think it is clear that the answer is no and that almost all religious groups agree with that. People have a right to work. Finally, should non-profits be able to discriminate in employment? Here I believe the answer is mixed. Maybe a religious organization needs to limit its membership to its own religious group in order to provide witness to why it is serving the public. But the discrimination has to be religious, not based on sexual orientation, gender, race etc. Most religious nonprofits do not feel that this is necessary, but some do. There never has been a question about people receiving benefits, especially in contracts with the government. Here, no religious discrimination has ever been permitted. These seem to me to be starting points for discussion. They don't solve the immediate healthcare issue, but it would be worth finding out how much of the controversy is only about that. Once healthcare is separated from hiring and firing, maybe discussion can go forward. There remains the tendentious but narrow issue of adoption. But here religious providers have to be pushed. Previously, some religious adoption agencies insisted on a couple being married before allowing an adoption. That excluded gay couples and straight couples. If an adoption agency has a contract with the government, that is the only criterion the agency should be permitted.