

Religious Orthodoxies

By John K. Wilson

Some of the most pervasive restrictions on academic freedom occur at religious colleges. It is often wrongly assumed that religious institutions are allowed to violate academic freedom because of their religious doctrines. The AAUP's 1940 Statement of Principles included a provision allowing religious universities to impose restrictions on academic freedom based on their faith, so long as faculty and students are forewarned. However, the AAUP effectively repealed this rule in its 1970 Interpretive Statements, which notes that the special exemption for religious institutions is no longer needed nor desired.

The restrictions on academic freedom in the past year have been particularly alarming at Catholic institutions. A group called the Cardinal Newman Society has been pressuring Catholic officials to ban from campus any speaker who deviates from Catholic doctrines. According to the Associated Press, "Most Catholic schools already vet commencement speakers and honorary degree recipients for their positions on key Catholic issues." At Ave Maria College, Domino's Pizza founder Tom Monaghan, funder of this new conservative Catholic university, has promised, "there will be no pro-abortion politicians on campus giving talks or getting honorary degrees."

On Feb. 13, 2004, Archbishop James P. Keleher of Kansas City, Kan declared that Catholic institutions must ban politicians who support abortion rights from speaking on campus, and no pro-abortion rights speaker or politician should be allowed to "address, give workshops, or otherwise make any presentation" at Catholic institutions. Kansas Gov. Kathleen Sebelius, a pro-choice Catholic, spoke the day before at the University of St. Mary about education and economic development.

In July 2004 the U.S. Council of Catholic Bishops released a report on *Catholics in Political Life*, declaring: "The Catholic community and Catholic institutions should not honor those who act in defiance of our fundamental moral principles. They should not be given awards, honors or platforms which would suggest support for their actions."

Seton Hall University: religious officials called the "conferral of awards to people who publicly espouse views contrary to the university's fundamental Catholic identity" to be a "serious lapse" after a judge who had struck down a ban on so-called "partial-birth" abortion was honored. Newark Archbishop John Myers, the president of the board of trustees, called the award "profoundly offensive and contrary to the Catholic mission and identity" of the university, and promised to prevent it from happening again.

Catholic University of America: the university refused to recognize a student chapter of the NAACP because the national NAACP had expressed support for abortion rights. In fall 2004, the university relented and allowed an NAACP chapter to be organized, but it is prohibited from expressing any support for abortion rights.

Gonzaga University: On Sept. 12, 2003, the Board of Trustees passed a new policy requiring all faculty and students to receive prior approval for speakers and events. Any speakers can be banned if "it would not constitute a legitimate educational experience or contribute to the university's mission"; "if there is substantial risk the speech or event would create a hostile learning environment"; or if "it is likely to confuse the public or students about the university's core values, or offend the university's mission by advocating positions or activity contrary to Catholic teachings." Ironically, this policy permitting censorship is actually seen as more open-minded than the arbitrary cancellations of liberal speakers and plays made in the past by the president, Rev. Robert Spitzer.

University of Saint Francis: Dr. Nancy Snyderman was dis-invited to give the 2004 commencement address four days before graduation. A surgeon, author and former ABC medical correspondent, Snyderman had mentioned in a medical report on ABC's "Good Morning America" on Oct. 30, 1997 that some doctors recommend "selective reduction" via abortion for a woman pregnant with septuplets because of the high risk in having seven babies. A letter to her from the university read, "The university recently received information ... containing comments by you on the topic of abortion, and these comments appear to be contrary to the teachings of the Catholic Church. As a Catholic university, we have no choice but to rescind our invitation."

Public Universities and Religion

The most pervasive threat to freedom of religion comes from the Foundation for Individual Rights in Education (FIRE), which is a leading conservative civil liberties group that normally is a strong defender of academic freedom. However, FIRE is asserting that religious student organizations at public colleges

should have the right to exclude anyone with dissenting ideas from serving as leaders or members, and is threatening lawsuits against public colleges that require student groups to follow non-discrimination policies. FIRE's approach (to favor the group's right to exclude over the individual's right to be included) poses several dangers. First, colleges should be given the leeway to decide what approach to student organizations works best for their campus. Second, students have a right to be included in student groups even if they may dissent from some of the beliefs of that organization. (By FIRE's reasoning, a Catholic student could be banned from a Catholic student group for views supporting abortion rights or gay marriage or women priests.) Finally, enforcing exclusionary student organization constitutions will require public colleges to examine the religious and political beliefs of students to determine if they should be excluded. It is far better to allow all students to join any student organization, and allow students to select the leadership they want.

University of Utah: Christina Axson-Flynn, a former theater student and a devout Mormon, refused to "take the name of God or Christ in vain" or use certain "offensive" words during in-class presentations of plays. When theater instructors refused to allow her to change scripts to fit her beliefs, she sued. On February 3, 2004 the Tenth Circuit reversed a lower court decision and ruled on behalf of Axson-Flynn. The court concluded that "there is a genuine issue of material fact as to whether [the professors'] justification for the script adherence requirement was truly pedagogical or whether it was pretext for religious discrimination." It may seem absurd that the court actually thought that asking theater students to follow the script of a play was a ploy in order to discriminate against religious individuals. Yet that was the ruling of the court, and the University of Utah reached a settlement with Axson-Flynn that now entitles students to alter the scripts in a theater class.

Washburn University: student Andrew Strohl and biology professor Thomas O'Connor filed suit against the university, claiming that the statue "Holier Than Thou" outside the student union is offensive because the hat worn by the clergyman in the statue resembles a penis and the man has an odd expression on his face. In his ruling, U.S. District Judge Thomas Van Bebber wrote: "In an environment of higher learning on a college campus, the court cannot conclude that a reasonable observer would perceive the university's display of 'Holier Than Thou' as an attack on Catholics." Several school districts in Kansas, including the Catholic and public schools in Wichita, banned Washburn from recruiting at their high schools because of the statue.

George Mason University: administrators at this public university stopped dispensing the "morning after pill" to women at its health clinic after a complaint from Republican legislator Bob Marshall.