Religious Freedom, LGBT Rights, and the Prospects for Common Ground

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A Perspective from The Church of Jesus Christ of Latter-day Saints

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I MORAL AGENCY

A fundamental doctrine of The Church of Jesus Christ of Latter-day Saints is what we call “moral agency,” the ability to choose right from wrong and to act for ourselves.\(^2\) We believe the individual exercise of agency is essential to God’s plan of salvation for each one of His children. We believe we must freely offer ourselves to God in thought, intent, word, and deed – that faith and goodness cannot be coerced or forced.

Freedom of conscience ensures that people can exercise their God-given agency in matters of faith. We uphold this freedom as a basic doctrinal principle of our faith and a fundamental human right. One of the Church’s longstanding Articles of Faith, written in 1842, states, “We claim the privilege of worshiping Almighty God according to the dictates of our own conscience, and allow all men the same privilege, let them worship how, where, or what they may.”\(^3\)

Religious freedom in the Mormon view embraces not only the right to worship freely but also to speak and act based on one’s religious beliefs.\(^4\) Belief without

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\(^1\) Elder Von G. Keetch died unexpectedly on January 26, 2018 as this volume was being prepared. It is dedicated to his memory.


\(^4\) Elder Dallin H. Oaks, Religious Freedom, MORMON NEWSROOM (Oct. 13, 2009), https://perma.cc/3URS-8E6R (“The free ‘exercise’ of religion obviously involves both the right to choose religious beliefs and affiliations and the right to ‘exercise’ or practice those beliefs.”); Elder Jeffrey R. Holland, Faith, Family, and Religious Freedom, MORMON NEWSROOM (Feb. 26, 2015), https://perma.cc/ZAF3-5NNX (“To counter these trends every citizen should insist on his or her constitutional right to exercise one’s belief and to voice one’s conscience on issues not only in the privacy of the home or the sanctity of the pulpit but also in the public square and in the halls of justice. These are the rights of all citizens, including people, leaders, and organizations who have religious beliefs.”); Elder D. Todd Christofferson, Religious
action means very little. Importantly, moral agency does not stop with the right of people to be religious. It includes the right not to be religious. It also includes the right of all people – including LGBT people – to live according to their core beliefs to the greatest extent reasonably possible.

This commitment to moral agency has been a core belief of the Church from its earliest days, both as a matter of doctrine and of practical experience with severe persecution. Joseph Smith, the first president of the Church, taught:

We deem it a just principle . . . that all men are created equal, and that all have the privilege of thinking for themselves upon all matters relative to conscience. Consequently then, we are not disposed, had we the power, to deprive anyone from exercising that free independence of mind which heaven has so graciously bestowed upon the human family as one of its choicest gifts.\(^5\)

In sum, while there are of course limits to freedom of conscience and other personal freedoms, those limits should be narrow so as to allow as many people as possible the greatest degree of freedom so that each person can exercise his or her moral agency.

II RIGHT OF ASSOCIATION AND GATHERING VERSUS INVIDIOUS DISCRIMINATION

For Mormons, and for religious people in general, a vital aspect of freedom of religion is the right to freely associate with fellow believers. Jesus Christ taught, “For where two or three are gathered together in my name, there am I in the midst of them.”\(^6\) The need for religious people to gather with the faithful has always been a driving force behind the quest for religious liberty.

In their quest to find what they called “Zion” – meaning a community where all would be of one heart and one mind and there would be no poor? – Mormons sought to gather in New York, Ohio, Missouri, and Illinois – only to be driven out


\(^6\) Matthew 18:20 (King James Version).

each time by mob violence. Eventually, we left the United States for Mexican territory, seeking refuge in what is now Utah. There Mormons again sought to build a community of faith.

I mention all this because we need to be clear on something: we believe that the right of religious people to gather and associate with fellow believers who live the faith is absolutely essential to religious freedom. Without that, for most religious communities – and certainly for Mormons – there is no meaningful religious freedom. Faith communities must have wide autonomy to order their religious affairs, and not just with respect to core worshipping activities. That includes religious employment, religious schools, religious charities, and other activities that allow them to perpetuate their faith and carry out their religious missions.

To label the fundamental right of religious people to gather as “discrimination” is to do a serious injustice to people of faith and religious communities. Discrimination is a powerful word. It carries with it a strong sense that the person or group is ignorant, intolerant, immoral, and bigoted and that their alleged “discriminatory” beliefs are destined for the ashbin of history. Such labels are counterproductive and drive wedges between people who otherwise might find common ground.

III THE CHALLENGE OF SHARED SPACE

Obviously, not all space can be religious space – just as not all space can be private intimate space. The Church understands that spaces such as the home, chapel, and internal church administration are different than the realm of government service or commerce. Others share these spaces and therefore religious values cannot always prevail.

That is not to say that they can never prevail. But the Church recognizes that in commercial and other more public spheres religious freedom cannot be absolute. The commercial sphere, for example, has been highly regulated in many ways for well over a century – e.g., labor, safety, environmental, taxation, disability, and of course civil rights. As we interact with each other in shared spaces, there must of necessity be more give and take; more willingness to compromise; more searching for ways to accommodate diverse needs in a pluralistic society.

12 Id.
IV PLURALISM AND THE MORMON UNDERSTANDING
OF FAIRNESS FOR ALL

As religious worldviews clash with secular worldviews, tensions inevitably arise. Such tensions – between people with different faith traditions and between religious and secular traditions – have always been part of the American experience. As Americans, we know how to deal with these situations. We’ve been doing it – sometimes more successfully than others, but in the end always striving – from the outset. This is one of the core characteristics of America: that we can find workable solutions to accommodate people of extremely diverse backgrounds, beliefs, and needs.

Much of the solution to these tensions lies in the old American notion of “pluralism.” We need an approach that reaffirms that fundamental disagreements can exist among intelligent, informed people of good will, including with respect to sexuality. We need an approach that to the greatest extent possible allows space for all people to live according to their fundamental beliefs and needs. We need an approach that seeks to resolve conflicts that may arise in our shared spaces by finding win-win solutions and avoiding demands for ideological purity. It means that neither freedom of conscience nor sexual rights will be absolute in all circumstances.

This is what the Church means by the notion of “Fairness for All, including people of faith.” It is an approach that recognizes the diversity of human experience and needs. It is an approach that recognizes what we believe is the right of each person to exercise his or her moral agency in deciding how to live.

It is a goal that will not always be achieved. But it is a goal we must always earnestly strive for. If we view the contest between rights of conscience and sexual rights as a zero-sum game, then those with more power will always seek to annihilate the rights of those with less power. We are then left only with a question of who wields the bigger “hammer,” recognizing full well that hammers change in size and force depending on the political cycle and the location.

Mormons believe there is a better way of moving forward – the time-tested way of pluralism and mutual understanding. Our efforts must be aimed at building respectful relationships and patterns of civility that enable us both to disagree vigorously about profoundly important matters and to affirm the broad right of all Americans to live according to their core beliefs. Certainly, this effort will not be easy. It never has been. But we believe it is very much worth pursuing.