

Vanderbilt and the End of Pluralism?

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For fifty years, Christian Legal Society has defined itself by a statement of faith, simple words that express core Christian belief. Intentionally broad, CLS's statement of faith declares central beliefs that Christians from diverse faith backgrounds would be expected to share. The purpose is to unify Christians in the law, not divide.

But statements of faith have gone out of fashion. As Justice Kennedy admonished in his concurrence in *CLS v. Martinez* (2010), "The era of loyalty oaths is behind us."¹ Never mind that Justice Kennedy himself, as a federal judge, has sworn an oath of loyalty to the Constitution. Disregard the fact that nearly every Supreme Court session begins with attorneys taking a loyalty oath to the Constitution in order to gain admission to the Supreme Court Bar. Conflating loyalty oaths and the 2000 year-old Christian practice of defining its community around a statement of faith, Justice Kennedy has declared that loyalty oaths, statements of faith, whatever, are passé.

The one acceptable truth, according to the current elite, is that truth is nonexistent -- or truth is relative -- or truth is individually determined. Select your personal preference, but only one of these statements can be true, if they are not all false. Right and wrong are quaint anachronisms. Moral standards are simply religious repression to be resisted -- until the promising young congressman sends one too many self-photos. Then our society re-discovers truth, right and wrong, and moral standards -- at least for a week. Truth is then conveniently re-shelved until needed again.

And so we come to Vanderbilt University, a respected private university that has decided that religious belief has overstayed its welcome on its campus. In the fall of 2010, a Christian fraternity allegedly expelled a member for homosexual practices in violation of the fraternity's code of conduct for its members.

In response, Vanderbilt instituted a postmodern witch hunt for all student organizations that were "discriminators." The usual suspects were rounded up: the CLS chapter, an Intervarsity affiliate, and Fellowship of Christian Athletes, among others. Each re-submitted their constitutions, adding the changes they could in good conscience make. Nonetheless, they were placed on "provisional" status until they caved to the university's demands.

And what are those demands? In a remarkable email to CLS dated August 9, 2011, the university determined that CLS's constitution could not be approved because it requires its student leaders to affirm its statement of faith. According to the university, "Vanderbilt's policies do not allow any student organization to preclude someone from a leadership position based on religious belief."

¹ *Christian Legal Society v. Martinez*, 130 S. Ct. 2971, 3000 (2010) (Kennedy, J., concurring).

Nor do CLS's transgressions end with its statement of faith requirement. The CLS student constitution observes that "[e]ach officer is expected to lead Bible studies, prayer and worship at Chapter meetings as tasked by the President." This too is forbidden because, according to the university, "[t]his would seem to indicate that officers are expected to hold certain beliefs. Again, Vanderbilt policies do not allow this expectation/qualification for officers."

In a country founded and constantly replenished by immigrants seeking religious freedom, a highly respected university is expelling religious groups from campus because they have the audacity to insist that their leaders must share their core religious beliefs. And all of this is done in the name of "nondiscrimination." Nondiscrimination policies serve vital purposes. But to use a nondiscrimination policy that is intended to *protect* religious students to *penalize* those students mocks nondiscrimination policies and the essential good they serve.

The CLS student chapter has stood fast. Its faculty advisor, Professor Carol Swain, has passionately and courageously expressed her views in the media. The student president of the College Republicans has given outspoken support to his fellow students. Hundreds of Vanderbilt alumni have written the chancellor and the board of trustees to express their dismay at their alma mater's insensitivity to religious liberty.

Other religious groups have rallied against the policy. Despite their having university approval to meet, the Vandy Catholics have organized prayer vigils on campus. The Catholic chaplain has eloquently told the administration that the new policy is incompatible with the university's approval of the Catholic student group, which may have to leave campus if the new policy is not reversed. The United States Conference of Catholic Bishops, the Southern Baptist Commission on Ethics and Religious Liberty, and the National Association of Evangelicals joined a letter urging the university to reconsider its intolerance.

The outcry is not limited to the religious community. In a letter to the chancellor, twenty-three members of Congress condemned the university's stance. Numerous commentators have derided the policy, including George Will. Charles Haynes, a nationally syndicated columnist who is affiliated with the First Amendment Center, which has an office on the Vanderbilt campus, has expressed his support for the religious groups. John Roberts, a senior correspondent for Fox News, came to Vanderbilt to report directly on the situation. A nonpartisan, pro-speech group that monitors campus freedom, the Foundation for Individual Rights in Education ("FIRE"), protested Vanderbilt's assault on students' freedom of speech and association.

A national conversation about the future of religious liberty and pluralism in America has been triggered by Vanderbilt's treatment of religious student groups. If, on pain of banishment from campus, religious groups must forfeit their right to have religious leaders, our culture's respect for religious liberty is lost. But equally importantly, our nation's commitment to pluralism is lost. The university's relentless secularization of the marketplace of ideas is fundamentally incompatible with both religious

liberty and pluralism.

An Intervarsity staffer at Vanderbilt, Trish Harrison Warren, wrote a thoughtful plea for pluralism and religious liberty for the student newspaper, in which she warned:

The tragedy of removing some religious organizations from campus would not be merely the loss of religious liberty, an enormous and embarrassing loss indeed, but also the tacit admission by the administration that pluralism is not, in the end, a possibility. It's an admission that, at the end of the day, the university must ask student communities to surrender their particularities to guard against controversy and debate.

Our social responsibility in a diverse university is to protect and preserve ideas, not only one's own ideas or popular ideas, but all ideas that are peacefully and thoughtfully expressed. I've seen this lived out beautifully these past months as students and campus chaplains, despite real differences in belief and practice, have met, dialogued and sought together to preserve liberty on campus for all student groups. This is the promise of pluralism — that communities can have opposing ideologies, yet not silence one another, but instead learn to live as neighbors and, more radically, as friends.²

Allowing religious student groups to maintain their unique religious identities promotes a healthy intellectual, social, and religious diversity on campus. Vanderbilt is not simply silencing religious voices, but reasonable voices that call upon the university to practice the tolerance and diversity that it preaches, if only for the sake of American pluralism.

² Trish Harrison Warren, *The Possibility of Pluralism – Faith and Diversity at Vanderbilt*, *The Vanderbilt Hustler*, Oct. 2, 2011, available at http://www.insidevandy.com/opinion/columns/article_e240bd1c-b2b6-542e-965c-48c25d2f81de.html (last visited November 17, 2011).