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How Secular Is Georgetown University?

Georgetown University has long been troubled by its own religiosity. University faculty and administrators, for example, have had formal meetings to discuss whether the school is truly a Jesuit institution. Yet a binding determination of whether Georgetown is in fact religious will be made by Judge Sylvia Bacon, who is set to rule in the *Gay Rights Coalition v. Georgetown University* case.

This lawsuit centers on the issue of whether the university is subject to a D.C. Human Rights Act prohibition against discrimination based on sexual orientation. Last year, Superior Court Judge Leonard Braman ruled that Georgetown was in "unmistakable violation" of the act when it refused to give the same financial support to homosexual student organizations that it gives to other campus groups. The issue now before the court is whether Georgetown is constitutionally exempt from the statute because of its status as a religious institution.

Georgetown postulates that the issue at trial is whether "the oldest Roman Catholic University in the United States can be forced to endorse officially student organizations, when the philosophies, activities, and goals of those organizations are utterly inconsistent with the traditional teachings of the Roman Catholic Church on human sexuality." The Gay Rights Coalition has attempted to rebuke the university's argument on three distinct grounds. First, it asserts that Georgetown is a secular institution and thus should not be permitted to make a religious liberty claim. Second, the coalition alleges that university recognition of a student

organization does not signify approval of that group's activities but rather is a mere "registration" procedure. Third, the coalition contends that, even if the court were to hold that recognition of the Gay Rights group infringed on the school's religious beliefs, that infringement would be outweighed by the District of Columbia's compelling interest to protect homosexuals against sexual discrimination.

This set of legal questions touches on some perplexing constitutional issues, such as what is a sincere religious belief and what happens when civil rights clash with religious freedom? Exemplary of this type of litigation is the Bob Jones University case, in which the Supreme Court may decide whether a school that makes a race-based classification as a matter of religious conviction is entitled to tax-exempt status. The Georgetown case, however, is more analytically complex than Bob Jones, because of the confusing nature of Georgetown's association with and commitment to the Roman Catholic Church. It is this confusion that makes unlikely a satisfactory resolution of the university's free-exercise-of-religion claim.

Georgetown University clearly has a long-standing religious heritage that is a significant attribute of its now-corporate being. Yet the university's actions and policies do not always correspond to its religious tradition. And the Gay Rights group makes much of these apparent inconsistencies in trying to pierce Georgetown's religious veil.

On one hand, the university's annual reports and its administrators' speeches stress the "secular reality of the university," "the secular

entity of the university," and that Georgetown University is "a university, not a church." On the other hand, the university operates under a contract with the Society of Jesus. Georgetown also has no requirement that its students, faculty or board of directors be Catholic or that any particular percentage of these groups be Catholic. Yet the president of the university must be a Jesuit, and Jesuits are to be appointed to deanships where practical and given preference in hiring. Finally, Georgetown offers to its students sexual counseling and advice about pregnancy, but prohibits its student store from selling, and its health clinic from distributing, contraceptives. Its hospital is also prohibited from performing abortions.

Georgetown University's erratic behavior on matters of conviction has been clearly displayed in its handling of the gay rights issue. The school is willing to permit students with homosexual orientation to matriculate and attend classes, to hold group meetings on campus, to post group announcements on bulletin boards and to participate in sexuality seminars, among other things. The university's campus ministry has even co-sponsored events with the Gay People of Georgetown University. But Georgetown is unwilling to charter a homosexual students group. That refusal is not based on the minuscule funds to which a chartered group is entitled. Nor does it seem that the university endorses all of the activities of its 200 currently chartered groups (one of which is the Women's Caucus, which has conducted activities concerning abortion, the use of mechanical birth control and the priesthood for women.)

If Georgetown were prepared to be wholly religious and to describe itself that way, students who would expect to be uncomfortable within the walls of traditional Catholic doctrine might not attend. And those who came wouldn't be surprised when the university acted on the basis of its convictions. But by trying to be quasi-secular, the university has invited down onto itself much woe. And, typical of our secular state, divine intervention comes in the form of judicial action.

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