



What's God Got to do With It?

Publication

12.01.03

Most of us think of religion in terms of a deity, a set of defined values and traditions, and a moral code emphasizing virtuous behavior. But not the EEOC and most courts. In an absurd, politically correct effort to avoid passing value judgments at all costs, they will accept just about any bizarre beliefs as a religion just because a plaintiff claims to believe in it.

Congress outlawed discrimination based on religion in Title VII. It did not address discrimination based on political or personal beliefs. The EEOC and many courts have lost sight of this as they have been more concerned with being politically correct in avoiding value judgments concerning religious and moral beliefs than adhering to the intent of the legislature. While courts rightly have decided to not take on the limited perspective of Judeo-Christian traditions in attempting to evaluate the theological viability of particular religions, they have gone too far and abandoned the inquiry of whether a particular belief system even qualifies as religion at all. This is a mistake.

While considering vegetarianism or a belief in cold fusion to be the equivalent of a religion might seem harmless enough, unquestioningly equating a racist organization with a church is something else altogether. Unless the EEOC and the courts take a more disciplined approach to defining "religion" under Title VII, these types of situations are going to continue to arise, and with more dire consequences for employers.

This article appeared in the Winter 2003 issue of the *Employee Relations Law Journal*.