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Gay Teachers in Catholic Schools: A Conflict of Human Rights

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The Social Practice of Human Rights: Charting the Frontiers of Research and Advocacy

2017 Conference of the University of Dayton Human Rights Center

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Research Panel: Contesting Disability and LGBTQI Rights

Presenter: Ish Ruiz, Graduate Theological Union, Berkeley, California

Title: Gay Teachers in Catholic Schools: A Conflict of Human Rights

Abstract:

What happens when a person's exercise of a human right conflicts with another's enjoyment of a human right? Such is the case when a gay teacher in a Catholic school is fired as the school exercises its right to religious freedom in order to ensure its teachers live lives consistent with Church teaching.

As religious institutions, Catholic schools are protected by a *ministerial exception* that offers legal immunity to Catholic educational institutions that fire gay and lesbian teachers (teachers are sometimes considered "ministers" by the courts). In many states these firings on the basis of sexual orientation or marital status would constitute a violation of Title VII and would be grounds for a lawsuit; however, religious institutions are protected from such legal recourse from the fired teachers.

The root cause of the controversies between Catholic schools and gay and lesbian teachers is the conflict of human rights between the religious institution's right to religious freedom and the gay or lesbian teacher's rights to civic engagement, privacy, and self-determination. This conflict is problematic because the purpose of safeguarding human rights is to protect human dignity; thus, the exercise of a human right in a way that violates another person's dignity is ultimately self-defeating and must be corrected.

In a thorough analysis of this conflict between gay and lesbian teachers and Catholic schools, this paper explores (1) the nature of the right to religious freedom, (2) the potential reasons for firing gay teachers, and (3) possible ways to adjudicate human rights conflicts in a way that helps safeguard human dignity to the greatest extent possible.

About the presenter:

Ish Ruiz is a doctoral student and a Religious Studies instructor at a Catholic high school in San Francisco. He has offered workshops to high school faculty and staff on the care for LGBTQ+ students in Catholic schools and is a member of the Marianist LGBT Initiative Team, which published a resource titled *Addressing LGBT Issues with Youth: A Resource for Educators*. He is also a leading member of the young adults group at Most Holy Redeemer parish in San Francisco, which is known for its integration of LGBTQ+ Catholics into the life of the Church. Ruiz also has made contributions in the media and through his ministries regarding LGBTQ+ Church workers, the Catholic Church's response to the Supreme Court's ruling on marriage equality, and the contributions of LGBTQ+ teachers in Catholic schools.