

POSITION PAPER
ON
RELIGIOUS ACCOMMODATION

All decisions, guidelines, and executive directives regarding religious accommodation must be thoroughly grounded in the First Amendment of the Constitution, which reads: “*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof....*” The “free exercise of religion” is thus anchored in the law of the land. Such freedom is a mandate, not a suggestion.

What does the “free exercise of religion” *mean and require* in a society characterized by religious pluralism? Such a mandate, obviously, does not guarantee the individual’s or group’s right to practice religion in ways illegal, destructive, or otherwise damaging to society. Individuals and groups have the right to practice their religion, as long as such practices are not illegal or disruptive to the good order and discipline of the society. Chaplain Service guidelines must, therefore, maintain a healthy equilibrium in addressing the tension between the right of individuals to believe as they please and the need to maintain the good order and discipline of the Air Force.

An important question for the Chaplain Service to address is whether chaplains should make determinations as to “what is and is not a valid religion?” Our answer is “no.” This is true not only because the question is extremely difficult to answer from a moral sense, but also because the question is not relevant in determining if a member’s request for accommodation of a religious practice should be granted. Instead, the commander, with the assistance of the chaplain, must evaluate a series of factors to

determine if granting the request would be consistent with good order and discipline within the unit. According to DoD Directive 1300.17, *Accommodation of Religious Practices Within the Military Services*, the factors the commander should consider include:

- a. The importance of military requirements in terms of individual and unit readiness, health and safety, discipline, morale and cohesion;
- b. The religious importance of the accommodation to the requester;
- c. The cumulative impact of repeated accommodations of a similar nature;
- d. Alternative means available to meet the requested accommodation; and
- e. Previous treatment of the same or similar requests (including treatment of similar requests made for other than religious reasons.)

Note that the factors do *not* include a discussion of whether the member's religious or spiritual beliefs are "legitimate" or well-recognized. A chaplain may provide helpful advice to a commander on all of these factors without taking a stand, one way or another, on the legitimacy of the religious belief at issue.

Chaplains must respect the right of military members in matters of religion or spiritual belief. They are not required to support all requests for religious accommodation. Instead, the chaplain has a duty to assist the commander in making a well-reasoned, just and lawful decision on the question of religious accommodation. In doing this, consideration must be given to

1. Legality (e.g., is it legal to do this?)
2. Community norms (e.g., does this practice in the chapel constitute licentiousness?)

3. The order, discipline, and morale of the base.

By acknowledging all Air Force members' right to "believe as they please," two important premises are established vis-a-vis matters of religious accommodation:

1. Chaplains are not asked to assess the veracity and sincerity of religious claims. Chaplains are, instead, clearly instructed to "let *everyone* believe as they please."
2. The criteria for determining whether to accommodate rests *not* in the domain of individual belief, but are defined by the effect such beliefs/practices have regarding legality, community norms, and the order, discipline and morale of the base.

The issues and questions surrounding whether a religious practice is detrimental to the common good are also complex and multifaceted. The role of chaplains within the religious accommodation decision making processes is an important issue.

Commanders accommodate unless a religious practice is illegal, licentious, or otherwise contrary to good order, discipline, morale, etc. Chaplains assist the commander by: 1) Upholding the right of each individual to believe according to conscience, 2) providing expert advice regarding the practices/beliefs of the individual/group involved, 3) recommending appropriate responses consistent with the Chaplain Service mission.

Deciding that a religious practice breaks the law or is disruptive to good order and discipline is beyond the scope of the chaplain's responsibility. At most, he/she might offer advice or input to a commander—but in no case should the chaplain be in the position of making such determinations. Chaplains could (and should) be in the position, however, to advise commanders regarding morale, religious and ethical issues. Such advice should be

offered in the most informed, broad-based manner possible—and not from the narrow ground of one’s personal idiosyncrasies.

Religious accommodation issues are thus closely tied to a Core Process of Global Ministry: *Advising Commanders*. Such advice must always be offered from a well informed perspective, thoroughly grounded in our GM Mission Statement: *To provide Air Force members and their families the opportunity to exercise their constitutional right of freedom of religion.*