Should Anti-Discrimination Laws require a religious school to employ teachers that it believes are compromising its religious mission? That's the central question in two upcoming Supreme Court cases, Our Lady of Guadalupe School v. Morrissey-Berru and St. James School v. Biel.

Both cases will hinge on how the court interprets the “ministerial exception” it first applied in 2012's Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission. In that case, the court unanimously held that religious organizations have the freedom to “select their own ministers” under the First Amendment's Free Exercise Clause and that the government is “forbidden from appointing ministers” under the amendment's Establishment Clause.

The case involved a teacher, Cheryl Perich, who taught a range of subjects including math, gym, and religion. She also led students in prayer. After she went on leave for a medical disability, the school hired a replacement. When she tried to return to work midyear, the school informed her that it had another teacher under contract for the year. She then threatened to sue the school.

As part of the Missouri Lutheran Synod, the school makes a distinction between “called” and “lay” teachers. Called teachers must be Lutheran, are considered called by God, and are given the title “minister of religion.” Perich was a called teacher.

After Perich's threat of legal action, the congregation rescinded her call and fired her. Perich then filed a claim with the Equal Employment Opportunity Commission, asserting her rights under the Americans with Disabilities Act had been violated. The Supreme Court sided with the church government, are decisions about religious doctrine. Certainly, religious freedom cannot mean that civil courts tell the Catholic Church to follow the same principles and nomenclature as Lutherans. Decisions over religious titles, central to church government, are decisions about religious doctrine. Catholics and Protestants have had disagreements, even wars, over such questions for centuries.

Thus, at the heart of these cases is the right of religious institutions to decide who qualifies to teach their faith. Some believe that horrible consequences will ensue if the Supreme Court sides with the schools—most significantly, that religious institutions might start labeling fully secular employees as ministers, thus immunizing themselves from anti-discrimination laws. However, the alternative seems worse, because it would allow the government, in this case the courts, to dictate religious doctrine. One expects the Supreme Court will decline to do so.

The court's acceptance of these cases indicates that at least four justices want to clarify its ruling in Hosanna-Tabor and remind lower court judges that other churches and schools don't have to ape Lutheranism when determining who counts as a minister. The court will hear oral argument this spring.

Joshua Dunn is professor of political science at the University of Colorado Colorado Springs.