



Debating Supreme Court case against Abercrombie & Fitch over religious attire

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Lawyers for Abercrombie & Fitch were grilled today by both liberal and conservative justices during arguments before the Supreme Court.

The case involves a Muslim woman who wasn't hired by the clothing retailer because she wore a black headscarf to her job interview. The company says that conflicted with the company's dress code, which doesn't allow employees to wear anything black. The court is being asked to decide how far an employer must go to accommodate the religious beliefs of a job applicant or worker. Legal scholar Ilya Shapiro of Cato Institute says labor law "[leaves] it to the employee to determine when a company policy conflicts with his or her religious practice and then to request an accommodation," and the young woman Samantha Elauf failed to state her needs.

Michael Helfand, Pepperdine University law professor, points out that the company's hiring manager testified she believed Elauf wore a headscarf for religious reasons. Helfand believes "to establish artificial distinctions that place obstacles before those who seek to bring their religion into the commercial sphere is to fundamentally misunderstand the comprehensive nature of religious experience." Who has a more convincing argument? Should employers accommodate employees with religious garb?