



 Columbia Law School

LAW, RIGHTS, AND RELIGION PROJECT

Media Guide For Religious Liberty

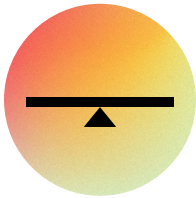
ASKING HARD QUESTIONS
ABOUT RELIGIOUS FREEDOM

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This media guide offers journalists new ways to understand and discuss religious liberty rights: with an emphasis on religious equality and pluralism. We hope this guide can be used as a tool to help you hone new questions for policymakers and advocates addressing or claiming to protect religious freedom.

Religious liberty must be neutral.

Is this policy neutral?



One of the most foundational rules of religious liberty is that laws and policies must apply neutrally to people of all faiths.

CONSIDER

Does a proposed or enacted government action single out particular religious beliefs for special persecution or special protection? Are policymakers treating neutrally all religious beliefs about a certain topic—such as marriage, abortion, or the death penalty? Are any theological groups or ideas left out? How will religious minorities and the nonreligious be impacted?

ASK

This policy allows religious doctors to refuse to provide contraception; does it also protect doctors who are religiously obligated to offer contraception but work at a hospital that bans it?

Religious liberty must be noncoercive. Does this policy coerce anyone?



The purpose of religious liberty protections is to allow individuals to follow their own consciences, rather than being coerced to follow the religious beliefs of government officials or their fellow citizens.

CONSIDER

Does a policy or action coerce anyone into subsidizing another person's religious beliefs? Does it strip legal rights or protections from one person to further the religious beliefs of another? If so, does it violate the religious liberty of the person whose rights are being curtailed?

ASK

Under this policy, LGBTQ people and unmarried parents lose their legal right to a nondiscriminatory workplace if their employer is religious. Won't this conscript LGBTQ and unmarried parenting workers into subsidizing their employer's religion? Are these workers' religious rights being violated?

Religious liberty must be nondiscriminatory. Does this policy discriminate?



Laws prohibiting religious discrimination protect the ability of religious minorities to participate in the public sphere, and are indispensable to religious freedom.

CONSIDER

Would a policy or action permit religiously motivated discrimination, including against religious minorities? How? And, if so, could that policy or action actually chill religious exercise rather than protect it?

ASK

Would this policy allow businesses to turn away Jews, Muslims, or atheists? How will it impact the ability of these communities to practice—or not practice—openly?

Religious liberty must not be absolute.

Is this policy absolute?



No constitutional right is absolute. Where crucial government interests or the legal rights of others are at risk, limits on individual free exercise rights are permissible—and sometimes required.

CONSIDER

How could a religious liberty policy interact with other fundamental rights? Balancing tests allow courts to weigh a religious exemption's impact on other rights. Does the policy lay out a balancing test, or does it propose an absolute right to religious exemptions in a particular area?

ASK

This policy allows doctors to refuse to provide any medical information that they think could lead their patients to seek an abortion or medical aid in dying. How will the policy protect patient rights—including patients' right to follow their own conscience?

Religious liberty must be democratic.

Is this policy democratic?



Religious exemptions can undermine democratically enacted laws, including vital health, labor, and other protections. Broad exemptions can be especially troubling when they amplify the rights of those who already hold positions of power over others, such as employers, landlords, business owners, university administrators, medical professionals, and social service providers.

CONSIDER

Does a religious liberty policy favor the faith of those already overrepresented in the democratic process? Does the policy provide additional rights primarily to powerful interest groups, such as employers and landlords?

ASK

This policy would allow a corporation to force its employees to abide by the company owner's religious views. How can workers' religious liberties be protected if the policy sides with the religious beliefs of their employer?

Religious liberty must be pluralistic.

Is your article and religion coverage pluralistic?



Activists, scholars, government officials, and journalists have often confined discussions of “religious liberty” to a select set of conservative Christian religious beliefs about sex, sexuality, and marriage.

CONSIDER

Have you conflated “religious liberty” with conservative Christianity, even unintentionally? Does the article include the voices and experiences of religious minorities, religious progressives, and the rising numbers of religiously unaffiliated people? Does your overall coverage of religion include issues important to all faith communities or focus only on a few?

ASK YOURSELF

Does this article tacitly equate religiosity with opposition to LGBTQ rights? How many LGBTQ people identify as religious?

Have I asked the victim of anti-LGBTQ discrimination in this article about their own religious views? Could I reach out to an LGBTQ faith leader?

ASK YOURSELF

Does my publication’s religion coverage focus primarily on issues of sex, sexuality, and marriage? Does it give equal attention to other issues important to religious minorities and progressives, such as immigration, racism, economic inequality, the environment, and religious discrimination? Does it cover the religiously unaffiliated?

*This guide was drafted to accompany our policy report **All Faiths & None: A Guide to Protecting Religious Liberty for Everyone**. The report is available on the **Law, Rights, and Religion Project** and **Auburn** websites.*

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