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Our Work in the World

Law, Rights, and Religion Project
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Our Work in the World

August 02, 2021

Our work is having a significant impact on the meaning of religious freedom and developments in the role of religion in public life.

Read below on how we're shaping the discourse around religious liberty.

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How the Christian right took advantage of COVID to win rampant religious exemptions

The Christian right filed a barrage of cases. One little-noticed Supreme Court ruling upended decades of precedent

By **AMY LITTLEFIELD** PUBLISHED JULY 13, 2021 2:02PM (EDT)



Service at Lakewood Church in Houston, where Pastor Joel Osteen preaches to some 25,000 people each week. There are currently 842 mega churches that host an excess of three million people on any given Sunday. Mega churches are loosely defined as non-Catholic churches with at least 2,000 weekly attendants. (Timothy Fadek/Corbis via Getty Images)

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In [Salon](#), investigative journalist Amy Littlefield wrote about our most recent report, [We The People \(of Faith\): The Supremacy of Religious Rights in the Shadow of a Pandemic](#):

“Lost in the weeds was a legal bomb. The Court had, in effect, ruled that if a government made any exception to a rule — like allowing people to grocery shop in a pandemic — it had to make an exception for religious activities. In other words, the justices had elevated religion above just about every other right, including free speech and racial equality, according to a report out today by **Columbia Law School’s Law, Rights and Religion Project**.”

A [resolution](#) submitted to the United Church of Christ on “Protecting Workers at Churches and Other Religious Institutions” cited LRRP’s 2020 report with Auburn Seminary, [All Faiths and None: A Guide to Protecting Religious Liberty for Everyone](#). The resolution holds, “The United Church of Christ values religious freedom, and recognizes the moral responsibility that comes with it.”

LRRP's 2018 report [Bearing Faith: The Limits of Catholic Health Care for Women of Color](#) was cited in a [letter by NARAL Pro-Choice Oregon](#) to a state legislative committee in support of House Bill 2362, the Equal Access Care Act. Act has now [passed](#) the Oregon House and Senate. *Bearing Faith* was also cited in the scientific journal "Contraception" in an [article](#) on religious healthcare refusals in Wisconsin.

[In Defense of the Sincerity Test](#), written by current LRRP Director Liz Reiner Platt and former Director Kara Loewentheil, was cited in an article in the European Constitutional Law Review: ["True Believers? – Sincerity and Article 9 of the European Convention on Human Rights"](#)

In her new book "[The Politics of Vulnerability: How to Heal Muslim-Christian Relations in a Post-Christian America: Today's Threat to Religion and Religious Freedom](#)," Asma Uddin cites LRRP's 2019 report [Whose Faith Matters? The Fight for Religious Liberty Beyond the Christian Right](#).

Other Media Mentions

[Supreme Court Signals Expansion of Religious Exemptions From Laws](#)

6/20/2021

Jess Bravin, *Wall Street Journal*

"When the court can avoid the issue no longer, the balance will likely go to religious believers, said **Katherine Franke**, faculty director of the **Law, Rights and Religion Project** at Columbia Law School.

“Fulton showed us that the court is disposed to a kind of tiering of constitutional rights where some rights are higher-ranked over others,” Ms. Franke said. “Religious liberty sits at the top tier. And equality, whether it’s race- based, sex-based or LGBT equality, enjoys now a kind of second-class status,” she said.”



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What Fulton did is solidify a new interpretation of discrimination on the basis of religious identity/practice.

In these COVID cases over the last 18 months, religious organizations have challenged mass gathering bans that governors reasonably implemented in order to protect public health by saying that “if you don’t exempt religious organizations from these mass in-person gathering bans, but you do allow grocery stores and pharmacies to stay open, then you’re discriminating against religion.” A few years ago we would have thought that was a laughable argument, but it is now the law of the land.

— PROFESSOR KATHERINE FRANKE
Faculty Director, The Law, Rights and Religion Project

 Columbia Law School
LAW, RIGHTS, AND RELIGION PROJECT



You can [listen](#)  to the above + more analysis by **Professor Katherine Franke** on the *Fulton v. City of Philadelphia* case in the podcast *Strict Scrutiny* hosted by Kate Shaw and Melissa Murray.

[Religious Liberties and the New Supreme Court: What’s at Stake for Women and the LGBTQ+ Community](#)

4/7/2021

Hannah Hayes, American Bar Association

“Religious rights as a ‘first freedom’ is an idea pushed by members of the Christian right that religious liberty is not just part of the First Amendment, but it’s the most important part above all other rights,” says **Elizabeth Platt**, director of the **Law, Rights, and Religion Project** at Columbia Law School in New York City, a law and policy think tank launched in 2014 to address the increased use of religion-based exemptions from compliance with federal and state laws.

Platt points out that while religious liberty cases have been making an appearance on the SCOTUS docket for a long time, who is bringing them and who is winning them is what has changed. “We’re talking about a very narrow set of views,” says Platt, who points out that many religious liberty cases in the ’80s and ’90s were brought about by a variety of smaller groups, such as Orthodox Jews or Seventh-Day Adventists. “A lot of the big-name cases that have won over the past few years have been brought by much larger conservative Christian denominations, and that is a significant shift.”